

B-35



STATE OF NEW JERSEY

In the Matter of Andrew Hosonitz,
Maintenance Worker 3, Grounds
(M0492S), Elizabeth

CSC Docket No. 2015-2786

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED:

JUN 23 2015

(EG)

Andrew Hosonitz appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the residency requirement for the open competitive examination for Maintenance Worker 3, Grounds (M0492S), Elizabeth.

The subject open competitive examination was announced with specific requirements which had to be met as of the announced closing date of July 7, 2014 (attached). The announcement indicated that it was open to residents of Elizabeth. Thereafter, the appellant received a Notification of Ineligibility (Notice) dated April 8, 2015, indicating his rejection for failure to meet the residency requirement. It is noted that this Notice incorrectly listed that the jurisdiction for the subject examination was Union County.

In the present matter, the appellant argues that he applied for the above listed position because it indicated Union County. He claims that had it indicated Elizabeth, he would not have applied. Therefore, the appellant requests a refund of his \$25 application fee and his \$20 appeal fee.

CONCLUSION

N.J.A.C. 4A:4-6.3(b) states that, except for disqualification for medical or psychological reasons, the appellant shall have the burden of proof. N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open-competitive examination announcement by the closing date. N.J.A.C. 4A:4-2.11(c) provides that residency requirements shall be met by the announced closing date for

an examination. Further, *N.J.A.C.* 4A:2-1.8(a) provides, in pertinent part, that a \$20.00 processing fee shall be charged for all appeals and requests for relief filed with the Civil Service Commission, subject to certain exemptions. *N.J.A.C.* 4A:2-1.8(f) states that the fee is for processing purposes only and shall not be refunded for any reason except when submitted in error for an exempt appeal.

In the instant matter, and as indicated in the attached announcement, Elizabeth is correctly listed as the jurisdiction that the examination was open to. It was only the Notice that indicated the incorrect jurisdiction. Therefore, as the announcement was correct and that was what the appellant paid his application fee for, he is not entitled to a refund of his application fee since he was not a resident of Elizabeth as of the closing date. See *N.J.A.C.* 4A:4-2.17(e). Further, as indicated above, the appeal fee is for processing purposes only and shall not be refunded for any reason except when submitted in error for an exempt appeal. In this regard, there is no evidence that the appellant was exempt from this fee. Finally, the appellant cannot benefit from the error on the Notice since no rights are afforded to an individual based on an administrative error. See *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998).

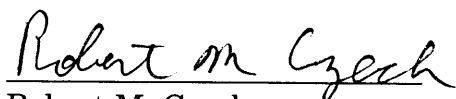
Accordingly, based on the foregoing, the appellant has not met his burden of proof, and has not provided a basis to disturb the determination of Agency Services that he was ineligible for the title under test.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17TH DAY OF JUNE, 2015



Robert M. Czech

Chairperson

Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Andrew Hosonitz
Terri Potts



Job Announcements

Symbol: M0492S Title: **MAINTENANCE WORKER 3 GROUNDS**

Issue Date: 06/13/2014

Closing Date: 07/07/2014

Jurisdiction: ELIZABETH

Salary: \$58,858.00 - \$61,608.00 Per Year

Num. of Positions: 1

Workweek: 40 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

Elizabeth City

REQUIREMENTS:

EXPERIENCE: Two (2) years of experience in the care and maintenance of grounds.

LICENSE: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than employee mobility, is necessary to perform the essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please email: OAS_support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. If the announcement is open to residents of more than one jurisdiction, the eligible list will be ranked according to that residency sequence. Please click here for additional information.
6. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
7. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq) or their claim is approved by DMAVA at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.

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