



STATE OF NEW JERSEY

In the Matter of Destiny Armato,
 Firefighter (M1557T), North Hudson
 Fire and Rescue Service

**FINAL ADMINISTRATIVE ACTION
 OF THE
 CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-906

List Removal

ISSUED: October 24, 2017 (RE)

Destiny Armato appeals the decision of the Division of Agency Services to remove her name from the May 23, 2017 certification of the Firefighter (M1557T), North Hudson Fire and Rescue Service eligible list due to her failure to appear for the Physical Performance Test (PPT).

By way of background, the appellant's name appeared on the Firefighter (M1557T) eligible list and was certified to North Hudson Fire and Rescue Service on May 23, 2017. All candidates on the certification are contacted via email and scheduled to take the PPT. The appellant was sent an email on June 16, 2017 and told that she had been scheduled to take the PPT and she was given the date, time and location of the exam, and a medical clearance form. She did not appear for the PPT, and her name was removed from all Fire Fighter lists on which her name appeared. On appeal, the appellant maintained that she did not receive any notification to take the PPT. She states that she is a disabled veteran, and had to have her veteran status corrected. She verifies her email address, and her mailing address, and she maintains that the Civil Service Commission (Commission) erred in not notifying her by email or regular mail.

CONCLUSION

In reply, a 2015/2016 Fire Fighter Memo of Understanding regarding the Physical Performance Examination was provided to all candidates prior to taking the multiple-choice portion of the examination. Candidates were required to sign this form in order to continue with the examination process. The appellant signed

this form on November 7, 2015. This memo indicated that candidates would be contacted via email and scheduled to take the PPT. Therefore, they were specifically advised that it was their responsibility to keep a current email address on file with this Agency and should check spam folders for emails. Accordingly, while candidates are required to keep an accurate mailing address on file, this has no bearing on receipt of the scheduling for the PPT, as that particular notification was provided by email. Thus, ensuring proper receipt of the electronic notice was the candidate's responsibility. Agency records indicate that an email was sent: Friday, June 16, 2017 at 3:08 PM to the address provided by the appellant, and it matches the address she provided on appeal. The email was not returned as "undeliverable" by the computer system, which would have indicated that an invalid email address was used. The appellant simply maintains that she did not get the email.

Additionally, the New Jersey Fire Fighter Examination (NJFFE) Post-Written Test Timeline and Candidate Responsibilities document was given to all candidates, and is available on the Commission's web site. This document states that, "If you fail the PPT, do not show up for your scheduled PPT date and time, or do not provide a properly completed and signed medical clearance form, you will be removed from ALL firefighter lists." See *N.J.A.C. 4A:4-2.15(b)2*. The appellant has not satisfied her burden of proof in this matter and sufficient cause exists to remove her name from all of the Fire Fighter lists on which her name appears.

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
THE 18th DAY OF OCTOBER, 2017



Robert M. Czedz, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Destiny Armato
 Kelly Glenn