



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matters of Cristina Keresztes,
Supervising Family Service Specialist
2 (PS1035K), Department of Children
and Families

List Removal Appeals

CSC Docket Nos. 2017-3198, *et al.*

ISSUED: OCT 06 2017 (HS)

Cristina Keresztes appeals the removal of her name from the eligible list for Supervising Family Service Specialist 2 (PS1035K), Department of Children and Families on the basis that she failed to respond to certification notices.

The appellant, a non-veteran, took and passed the promotional examination for Supervising Family Service Specialist 2 (PS1035K), which had a closing date of May 23, 2016. The resulting eligible list promulgated on January 12, 2017 and expires on January 11, 2020. The appellant's name was certified to the appointing authority on January 13, 2017 (twice), January 17, 2017, January 31, 2017, February 7, 2017 and February 17, 2017. In disposing of each certification, the appointing authority requested the removal of the appellant's name on the basis that she failed to respond to the certification notice.

On appeal to the Civil Service Commission, the appellant submits a sworn, notarized statement indicating that she did not receive the certification notices.

In response, the appointing authority indicates that it has no objection to restoring the appellant's name to the subject eligible list as she submits a sworn, notarized statement indicating that she did not receive the certification notices.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification."

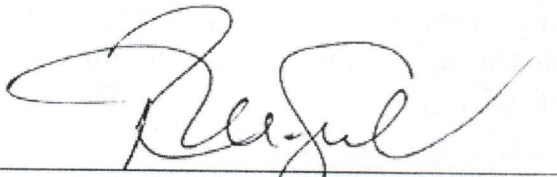
N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove her name from an eligible list was in error. The appointing authority requested the removal of the appellant's name from the eligible list for Supervising Family Service Specialist 2 (PS1035K) on the basis of her failure to respond to various certifications. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she did not receive these certification notices. While there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting her sworn, notarized statement. See *SSI Medical Services, Inc. v. State Department of Human Services*, 146 *N.J.* 614 (1996); *Szczesny v. Vasquez*, 71 *N.J. Super.* 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Thus, it is appropriate that her name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that these appeals be granted and Cristina Keresztes' name be restored to the eligible list for Supervising Family Service Specialist 2 (PS1035K), Department of Children and Families for prospective employment opportunities only.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4TH DAY OF OCTOBER, 2017



Robert M. Czedo, Chairperson
Civil Service Commission

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- c. Cristina Keresztes (2017-3198, 2018-525, 2018-527, 2018-528, 2018-529 and 2018-530)
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