



STATE OF NEW JERSEY

In the Matter of Angel Cintron,
Family Service Worker, Bilingual in
Spanish and English (C0082T),
Essex County

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

CSC Docket No. 2017-560

List Removal Appeal

ISSUED: FEB 24 2017 (JET)

Angel Cintron appeals the removal of his name from the list for Family Service Worker, Bilingual in Spanish and English (C0082T), Essex County, on the basis of failure to appear for the subject examination.

The subject examination was announced with specific requirements which had to be satisfied by the February 10, 2015 closing date (see attached). A total of 27 candidates were admitted to the subject examination, and the resultant eligible list promulgated on June 18, 2015 with an expiration date of June 17, 2018. Two certifications were issued and 15 appointments have been made.

The appellant's name appeared on the February 1, 2016 certification (OL160090). In disposing of the certification, the appellant's name was removed from the eligible list because he did not appear for the Bilingual Communicative Ability (BICAT) portion of the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant provides a sworn, notarized letter which indicates, among other things, that he did not receive the notice to appear for the subject examination. Further, the appellant maintains that he is still interested in taking the subject examination. As such, the appellant requests that his name be restored to the eligible list.

CONCLUSION

N.J.A.C. 4A:4-2.8 states in pertinent part that candidates shall be at the examination site at the designated time. *N.J.A.C.* 4A:4-4.7(a)11 allows the removal of an eligible's name from an eligible list for other valid reasons. *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 his or her name from an eligible list was in error.

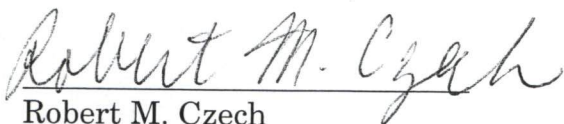
In the instant matter, the appointing authority requested the removal of the appellant's name from the subject eligible list on the basis that he failed to appear for the BICAT portion of the subject examination. The appellant provides a sworn, notarized letter stating that he did not receive the notice to appear for the examination. The Commission acknowledges that there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed. 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). It also recognizes that on occasion, such mail never reaches its intended destination. Generally, the Commission is willing to accept that if an individual is prepared to make a statement under oath, understanding all its implications and consequences, then it is proper to permit the presumption of receipt to be overcome. In actuality, there is no other alternative for an applicant. It is not possible to prove a negative, *i.e.*, that mail was not received. If the Commission did not accept a sworn statement averring that mail was not received, there would be no remedy at all for individuals who find themselves in this particular situation. In this case, the appellant submitted a sworn, notarized statement in Lieu of Oath, which may be submitted in lieu of an affidavit, oath or verification. See *R.* 1:4-4(b). Accordingly, the appellant has shown sufficient justification to restore his name to the list so that he can be scheduled to take the BICAT portion of the subject examination the next time the list is certified.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the list, and that he be scheduled for the BICAT portion of the subject examination the next time the list is certified.

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 22nd DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
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Division of Appeals
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Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Angel Cintron
Robert Jackson
Kelly Glenn



Job Announcements

Symbol: C0082T Title: **FAMILY SERVICE WORKER BILINGUAL IN SPANISH AND ENGLISH**

Issue Date: 01/20/2015

Closing Date: 02/10/2015

Jurisdiction: ESSEX COUNTY

Salary: \$46,120.00 - \$66,090.00 Per Year

Num. of Positions: 2

Workweek: 37.50 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

Essex County

REQUIREMENTS:

EDUCATION: Graduation from an accredited college or university with a Bachelor's degree.

Foreign transcripts must be evaluated by a recognized evaluation service. Failure to do so will result in ineligibility.

NOTE: Applicants who do not meet the above education requirement may substitute experience on a year-for-year basis with 30 semester hour credits being equal to 1 year of experience. The experience must consist of work performed in gathering social and other information from clients, determining their needs, and planning and carrying out a prescribed treatment plan or service and referral program designed to meet needs of individual clients, OR in examining, adjusting, determining, reconsidering, or authorizing eligibility or entitlement for cash awards or benefits in a public or private agency such as a welfare board or agency, Social Security Administration, Veterans Administration, a social service agency, or similar agency or organization, OR in coordinating a public welfare program(s) or in the review, analysis, evaluation, revision, and implementation of such program(s).

SPECIAL SKILL: Applicants must be able to read, write, speak, understand, and communicate in English and Spanish sufficiently to perform duties of this position. Candidates will be tested at time of certification for the ability to communicate effectively in both English and Spanish.

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 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. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. 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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