

B-11



STATE OF NEW JERSEY

In the Matter of Ryan Bier and  
Timothy Lindner,  
Entry Level Law Enforcement  
Examination (S9999U)

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2017-984 and  
2017-1092

Examination Appeal

ISSUED: MAR 22 2017 (JH)

Ryan Bier and Timothy Lindner appeal the determinations of the Division of Agency Services, which found that they were ineligible for the Entry Level Law Enforcement Examination (S9999U). These appeals have been consolidated due to common issues presented by the appellants.

By way of background, the subject examination was announced on July 1, 2016 with a closing date of August 31, 2016 and was open to residents of New Jersey. A review of the record indicates that on July 3, 2016, Mr. Bier filed an application on which he listed an Effort, Pennsylvania address and indicated the residency code for residents of other states (0000). Mr. Lindner filed an application on July 22, 2016, on which he listed a Wilkes Barre, Pennsylvania address and indicated the residency code for residents of other states (0000). Thus, the Division of Agency Services concluded that the appellants did not reside in New Jersey. Consequently, the appellants were found ineligible for the subject open competitive examination.

On appeal, Mr. Bier explains that he indicated a Pennsylvania address since he is a "full time Criminal Justice major" at a university in Pennsylvania. However, Mr. Bier indicates that his permanent address is in Woodland Park, New Jersey. In support of his appeal, he submits additional documentation including: a letter dated August 11, 2015 from the Office of Financial Aid for the academic year 2015-2016 indicating his Woodland Park address; a 2015 Federal Income Tax Return indicating his Woodland Park address; and a pay stub from the Borough of Woodland Park dated August 30, 2016 indicating his Woodland Park address.

Mr. Lindner presents that he is “an official state resident of [Wantage,] New Jersey but I am currently living in Wilkes-Barre Pennsylvania where I attend school . . . as a full time student.” He maintains that he used his school address “out of convenience for myself knowing I would still be away at school during the time I was expecting to receive my information and in an effort to make sure I would receive the mail on time and avoid having it get mixed up with my parents’ mail.” In support of his appeal, he provides a copy of his New Jersey Driver License issued in May 2016 which indicates his Wantage address and a copy of his university identification card.

## CONCLUSION

*N.J.A.C.* 4A:4-2.1(f) permits an applicant to amend a previously submitted application prior to the filing closing date. As indicated previously, the announcement clearly indicated that the closing date was August 31, 2016.

Candidates for the subject test were required to file an online application. In the section of the application entitled, “Contact Information,” candidates were required to submit their e-mail address, mailing address and residence. Specifically, under “Residence,” candidates are advised, “This section is used to determine your residency code. First, find the county, and then the specific town, borough, city, or township in which you reside.” While the application allows an applicant to indicate a mailing address that is different from his or her residency, neither the application nor the New Jersey Civil Service Commission Announcement and Online Application System User Guide provide a definition of “residency.”<sup>1</sup> Thus, it appears that the appellants applied their mailing address

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<sup>1</sup> *N.J.A.C.* 4A:4-2.11(c) provides that where residency requirements have been established in local service in addition to the New Jersey State residency requirement, residence with regard to local service requirements means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;
3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent’s residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver’s license, motor vehicle registration, or voter registration card and other documents is the same as the claimed legal residence. Post office box numbers shall not be acceptable; and
6. Whether the school district attended by child(ren) living with the individual is the same as the claimed residence.

information when selecting their respective residency codes. Accordingly, based on the foregoing, good cause has been established to relax the provisions of *N.J.A.C. 4A:4-2.1(f)* to permit the appellants to amend their applications to indicate Woodland Park and Wantage residency codes, respectively.

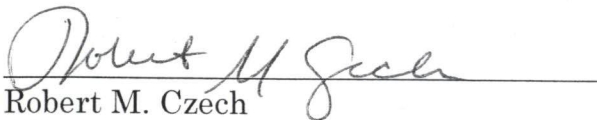
The Commission emphasizes that it is not making a determination of the appellants' residency but rather that the appellants made requests to change their respective residency codes. In this regard, it is noted that each jurisdiction has its own residency requirement, which must be met by the closing date. The Civil Service Commission does not have authority over the establishment of this requirement. Some jurisdictions only require candidates to be residents as of the closing date, while others also require that residency be maintained up to the date of appointment. See *N.J.A.C. 4A:4-2.11(c)*.

#### ORDER

Therefore, it is ordered that these appeals be granted and Mr. Bier's application be amended to indicate a Woodland Park residency code and Mr. Lindner's application be amended to indicate a Wantage residency code, the appellants' applications be accepted, and the appellants be scheduled for make-up examinations.

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 22ND DAY OF MARCH, 2017



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