

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Rosa Luna, Building
Maintenance Worker (Special),
Morris County

List Removal Appeal

CSC Docket No. 2017-1380

ISSUED: MAY 08 2017 (HS)

Rosa Luna appeals the removal of her name from the special reemployment list for Building Maintenance Worker, Morris County on the basis that she failed to respond to the certification notice.

The appellant appeared on the subject eligible list and was certified to the appointing authority on July 7, 2016.¹ In disposing of the 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 states that she was living in Morristown at the time the certification notice was sent to her old Boonton address. By the time the post office forwarded it to her new address, the allotted time to respond had passed.

In response, the appointing authority, represented by Robert J. Greenbaum, Esq., maintains that the removal of the appellant's name from the subject eligible list was appropriate under Civil Service rules. It notes that the appellant admits that she did not contact it in a timely fashion. It also argues that the fact that the appellant now claims she had moved and did not receive the notice is irrelevant since the applicant is required to maintain a current address with this agency.

¹ Agency records indicate that the appellant was laid off from the subject title with Morris County, effective December 31, 2012.

It is noted that the appellant's Boonton address is reflected in agency records as her mailing address.

CONCLUSION

N.J.A.C. 4A:8-2.3(c)3 provides that removal of names from a special reemployment list may be made in accordance with applicable rules (*see N.J.A.C.* 4A:4-4.7 and 4A:4-6). *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.

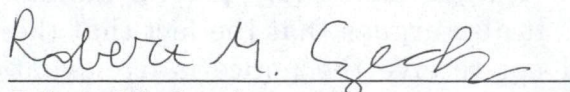
In this matter, the appointing authority requested the removal of the appellant's name from the subject eligible list on the basis that she failed to respond to the certification notice. The appellant states that she could not timely respond to the notice as required because she was living in Morristown at the time the notice was sent to her old Boonton address. However, agency records reflect the appellant's Boonton address as her mailing address. Furthermore, it is the eligible's responsibility to notify this agency of any address changes. *See N.J.A.C.* 4A:4-3.2(e); *In the Matter of Deborah McDermott* (MSB, decided April 18, 2000). The appellant does not argue that she provided any such notification to this agency nor does she present any evidence that she did so. Thus, the appellant has not met her burden of proof in this matter.

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 3RD DAY OF MAY, 2017



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