



B-12

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Frank Morales,
Entry-level Law Enforcement
Examination (S9999U)

Examination Appeal

CSC Docket No. 2017-2116

ISSUED: JUN 26 2017

(RE)

Frank Morales requests a make-up examination for the examination for the Entry-level Law Enforcement Examination (S9999U).

The appellant was scheduled to take the subject examination on December 10, 2016. On December 23, 2016, the petitioner requested to take a make-up examination stating that he had to be in Miami for a church mass in memory of his father, who died November 1, 2016. He argues that he purchased tickets on September 13, 2016 when he found out that his father was in critical condition and had about four months to live. He states that his job was unable to give him time off until December. It is noted that this examination was competitive with 36,131 admitted candidates. Also, the appellant's examination notice was sent on September 29, 2016.

N.J.A.C. 4A:4-2.9(c) provides, in pertinent part, that for police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety open competitive and promotional examinations, make-ups may be authorized only in cases of:

1. Death in the candidate's immediate family;
2. Error by the Civil Service Commission or appointing authority; or
3. A catastrophic health condition or injury, which is defined as either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by the candidate's mental or physical health or the health of the candidate's fetus which requires the care of a physician who

provides a medical verification of the need for the candidate's absence from work for 60 or more work days.

N.J.A.C. 4A:4-2.9(f) provides, in pertinent part, that a candidate must submit a written request for a make-up examination within five days of receipt of the examination notice if the candidate is aware upon receipt of the examination notice.

CONCLUSION

The record establishes that the appellant was scheduled to take the examination on December 10, 2016 and did not do so. He requested a makeup examination on December 23, 2016, almost three months after receipt of the examination notice and he provided no explanation of his untimely submission. As such, this appeal is time-barred. Further, the petitioner's father's death was more than a month before the examination date and he was aware on September 13, 2016, when he made his travel plans that he would not be available in December. The petitioner had the responsibility to notify DAS if he could not take the examination for one of the reasons listed above. He was aware of the examination date at the end of September 2016, and he did not change his travel plans, and he did not notify DAS after the death of his father or before the date of the examination. The petitioner's situation as presented in this record does not meet the criteria for a makeup examination.

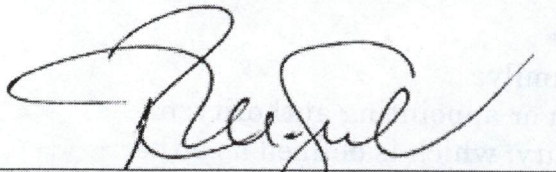
A thorough review of the record indicates that the appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that this request 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 21st DAY OF JUNE, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

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