



STATE OF NEW JERSEY

In the Matter of Nicholas Zieniuk,
Entry Level Law Enforcement
Examination (S9999U)

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

CSC Docket No. 2018-3717

Examination Appeal

ISSUED: December 20, 2018 (JH)

Nicholas Zieniuk requests that he be permitted to amend his residency on his application after the closing date for the Entry Level Law Enforcement Examination (S9999U). It is noted that appellant passed the subject examination with a final average of 89.200.

By way of background, the subject examination was announced on July 1, 2016 with a closing date of August 31, 2016. A review of the record indicates that on July 2, 2016, the appellant filed an application on which he listed a Moorestown address and indicated a Moorestown residency code (0322).

In an appeal filed June 18, 2018, Zieniuk maintains that his home in Margate was destroyed by Hurricane Sandy¹ and “due to the damage . . . we were forced to take temporary residency in Moorestown² . . . Once repairs were completed, we immediately moved back . . . Margate was my address prior to the Hurricane Sandy and is my present address . . . I would like to have my residency

¹ It is noted that on October 27, 2012, then Governor Chris Christie declared a state of emergency in New Jersey (https://www.nj.com/news/index.ssf/2012/10/hurricane_sandy_update_gov_chr.html) and ordered a mandatory evacuation of the barrier islands (https://www.nj.com/news/index.ssf/2012/10/with_sandy_looming_christie_te.html). Hurricane Sandy made landfall in New Jersey on October 29, 2012. See https://www.nj.com/news/index.ssf/2012/10/hurricane_sandy_makes_landfall.html.

² A review of tax records finds that the property listed at the Moorestown address is owned by Stanley and Christina Zieniuk.

changed to Margate from the time I took the civil service exam in 2016³ and to be placed on the Margate list.” In a submission filed on July 27, 2018, Zieniuk provides additional documentation including: a notarized statement dated July 23, 2018 from Robert Zieniuk in which he indicates that he is “a N.J. Home Improvement Contractor . . . and a N.J. licensed Master Plumber . . . The building [in Margate] suffered great damage from Hurricane Sandy in October 2012 . . . Complete repairs to make the house habitable took four years. Minimal habitability took 2½ years;” a notarized statement dated July 24, 2018 from Christina Lance-Zieniuk in which she indicates that “my son and I were residing at this address as he was attending [high school] in Absecon . . . Nicolas and I had to temporarily relocate our residence to [Moorestown]. Insurance delays and lack of funds caused the repairs to take approximately four years;” a letter dated July 27, 2018 from Vincent Lawrence, Major Lawrence Group, Public Insurance Adjusters, in which he indicates that “during [H]urricane Sandy[,] the Zieniuk property located [in Margate] suffered damage that made it uninhabitable . . . The loss occurred in the whole house with at least 6 inches of water throughout;”⁴ a notarized statement dated July 25, 2018 from Damian Alicea in which he indicates that “on November 1, 2012 I helped Christina Zieniuk perform water remediation activities [in Margate]. I observed extensive damage to [the property] after Hurricane Sandy . . .;” a notice from Herff Jones regarding Senior Portrait Proofs sent to the Margate address; and an envelope from the University of Bridgeport postmarked September 9, 2013 sent to the Margate address. In a subsequent submission, the appellant provides a sworn statement in which he indicates that the Margate address “is my legal residence. On October 22, 2012, I was forced to take temporary residence in Moorestown, New Jersey due to damages sustained to my family’s home . . . [in] Margate City, New Jersey as a result of Hurricane Sandy. On August 1, 2017, I resumed my residency . . . [in] Margate City, New Jersey.”⁵

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. *N.J.A.C.* 4A:4-2.11(e) provides that residency requirements shall be met as of the announced closing date for the examination. As noted previously, the announcement indicated that the closing date was August 31, 2016.

³ A review of the record finds that that the appellant was provided with a make-up examination which was administered on May 25, 2017. See *In the Matter of Nicolas Zieniuk, Entry Law Enforcement Examination (S9999U)*, *Statewide* (CSC, decided March 22, 2017).

⁴ It is noted that Lawrence fails to provide any details, *e.g.*, the date on which the claim was filed, the date(s) on which the insurance adjuster inspected the damage or when the claim was settled.

⁵ While the appellant provides a sworn statement, he does not provide any proof of residency, *e.g.*, drivers license, auto insurance or registration, voter registration or utility bills.

Candidates for the subject test were instructed, on the subject announcement to read the 2016 Law Enforcement Examination Fact Sheet, prior to accessing the online application. The 2016 Law Enforcement Examination Fact Sheet, under the section, "Residency," provided:

Applicants are required to complete the residency portion of the application. Please note that your residency may be different from your mailing address. Residency information will be used to place your name on the appropriate municipal and/or county eligible lists based on your title area selection. You must be a legal resident of the jurisdiction you list as your residency as of the August 31, 2016 closing date.

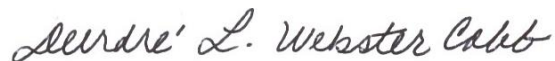
Although the appellant claims that he was "forced to take temporary residency in Moorestown," it is noted that his absence from Margate continued for four years. While the Commission sympathizes with the appellant's reasons for moving out of Margate, he clearly admits that he did not live in Margate as of the closing date. In this regard, the appellant does not explain why he was unable, *e.g.*, to rent an apartment or home in Margate in order to maintain residency or reestablish residency by the August 31, 2016 closing date. Moreover, the Commission notes that the appellant filed an application for the Fire Fighter (M9999T) exam, which had a closing date of August 31, 2015, in which he indicated a Ventnor address and a Ventnor residency code. Thus, it appears that the appellant relinquished his ties to Margate as of the August 31, 2016 closing date.

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 ON
THE 19TH DAY OF DECEMBER, 2018



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