

STATE OF NEW JERSEY

In the Matter of Brittany Barnett, *et al.*, Correction Officer Recruit (S9999R), Juvenile Justice Commission

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket Nos. 2018-611, *et al.*

List Removal Appeals

ISSUED: APRIL 2, 2018 (SLK)

Brittany Barnett, Larry Hill and Niraj Patel appeal their removals from the eligible list for Correction Officer Recruit (S9999R), Juvenile Justice Commission. These appeals have been consolidated due to common issues presented.

By way of background, the appellants appeared on certification OS160527 that was issued to the appointing authority on August 1, 2016. In disposing of the certification, the appointing authority requested the removal of the appellants' names. Specifically, the appointing authority contended that Barnett had an unsatisfactory background and Hill and Patel did not complete pre-employment processing.

On appeal, Barnett presents that she worked for the Wildwood Police Department as a Special Class II Officer for the last two years. She states that she would have returned this year, but she could not afford to live in Wildwood. Barnett indicates that the Chief was disappointed that she was not returning.

Hill states that he had an illness which prevented him from completing the physical testing and firearms training portions of his pre-employment processing.

Patel indicates that in November 2016, he provided the Investigator his United States Certificate of Naturalization (Naturalization) paperwork that had his birth date on it. Thereafter, as soon as his father returned from India in December 2016 with his actual birth certificate, he provided it to the appointing authority's human resources.

In reply, the appointing authority indicates that based on the reasons that the appellants' present on appeal, that it agrees that their names should be restored to the list.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)11 allows the Civil Service Commission to remove 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 the appointing authority's decision to remove the appellant's name from the eligible list was in error.

In the instant matter, Barnett indicates that she had been successfully employed as a Special Class II Officer, Hill represents that he could not complete training due to an illness, and Patel asserts that he provided his Naturalization paperwork during pre-employment processing which had his birthdate on it and his actual birth certificate as soon as he could retrieve it from India. Further, the appointing authority agrees that the appellants' names should be restored to the list. Therefore, under these circumstances, the appellants' names should be restored to the subject eligible list for Correction Officer Recruit, Juvenile Justice Commission. Since the S9999R eligible list expired on March 22, 2017, it is appropriate to revive the list at the time of the next certification to allow the appellants to be considered for prospective appointment.

### ORDER

Therefore, it is ordered that these appeals be granted and the list for Correction Officer Recruit (S9999R), Juvenile Justice Commission be revived in order for the appellants to be considered for appointment at the time of the next certification for prospective employment opportunities only.

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 27<sup>th</sup> DAY OF MARCH, 2018



Deirdre L. Webster Cobb  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Brittany Barnett (Docket No. 2018-611)  
Larry Hill (Docket No. 2018-927)  
Niraj Patel (Docket No. 2018-680)  
Josie Piccolella  
Kelly Glenn