

**STATE OF NEW JERSEY**

In the Matter of Alejandro Diaz,  
County Correction Officer (S9999U),  
Burlington County

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

CSC Docket No. 2018-1910

List Removal Appeal

**ISSUED: APRIL 2, 2018 (SLK)**

Alejandro Diaz appeals his removal from the eligible list for County Correction Officer (S9999U), Burlington County for failing to complete pre-employment processing.

By way of background, the appellant’s name had been certified to Burlington County from the County Correction Officer (S9999U) list on certification OL170423. The appointing authority returned the certification indicating that the appellant failed to appear for pre-employment processing. It is noted that the appellant has veteran’s status. The list expires on March 30, 2019.

On appeal, the appellant states that his interview was scheduled for a time that he was going to be out of the country. He indicates that he called the appointing authority and it advised him that his interview would be cancelled and his name would remain on the list for future employment opportunities.

In response, the appointing authority indicates that it removed the appellant’s name in error and requests that his name be restored to the list for future consideration.

**CONCLUSION**

*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. *N.J.A.C.* 4A:4-4.7(a)6 provides that the name of an eligible may be

removed from an eligible list for non-compliance with the instructions listed on the notice of certification.

In the instant matter, the appointing authority acknowledges that the appellant's name was removed in error and requests that his name be restored to the list for future consideration. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list. Certification records indicate that certification OL171457 was issued to Burlington County on December 13, 2017 and is due to be disposed of no later than June 13, 2018. Given this fact, as well as the fact that the appellant is a veteran and his initial removal from the list was based on appointing authority error, his name should be added to that certification.

### ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the County Correction Officer (S9999U), Burlington County list and added to certification OL171457 for current employment opportunities.

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*

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: Alejandro Diaz  
Eve Cullinan  
Kelly Glenn