

**STATE OF NEW JERSEY**

In the Matter of Dirk Gordon,  
Correction Officer Recruit (S9999R),  
Juvenile Justice Commission

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

CSC Docket No. 2018-642

List Removal Appeal

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

Dirk Gordon appeals his removal from the eligible list for Correction Officer Recruit (S9999R), Juvenile Justice Commission, on the basis of falsification of his pre-employment application.

By way of background, the appellant's name appeared on certification OS160527 that was issued to the appointing authority on August 8, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he falsified his application. The list expired on March 22, 2017.

On appeal, the appellant asserts that there appears to be a misunderstanding of an event that occurred in Woodbridge in August 2002. He indicates that he inadvertently wrote a check in the amount of \$45.72, which he did not have sufficient funds to cover. He presents that upon discovering this error, he immediately made payment. The appellant states that although he was issued a summons, he was never arrested and the matter was dismissed as the merchant to whom the check was written petitioned the judge to dismiss the matter. He attaches a certified disposition from the Municipal Court of Woodbridge and a letter from Woodbridge's Records Bureau that show that the matter was dismissed and that he does not have a criminal record in Woodbridge. He emphasizes that this incident was not a criminal matter and he answered questions on his pre-employment application accurately and honestly to the best of his knowledge.

In reply, the appointing authority indicates that, due to the reasons that the appellant states on appeal, it agrees to restore the appellant's name for future certifications.

### **CONCLUSION**

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Civil Service Commission to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

*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, the appellant explains that he inadvertently wrote a check in August 2002 for \$45.72 when he had insufficient funds due to a banking error on his part and quickly made the full payment once he discovered the error, Woodbridge Municipal Court dismissed this matter, and Woodbridge's Record Bureau indicated that he did not have a criminal record. Therefore, he asserts that he answered questions on his pre-employment application regarding his background honestly and to the best of his knowledge. Further, the appointing authority does not object to the restoration of his name to list. Therefore, under these circumstances, the appellant's name 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 that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

### **ORDER**

Therefore, it is ordered that this appeal be granted and the list for Correction Officer Recruit (S9999R), Juvenile Justice Commission be revived in order for the appellant 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



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