

However, the subject eligible list expired on April 6, 2016. *N.J.A.C.* 4A:4-3.4 provides that an eligible list may be revived to implement an order of the Commission. The Commission strongly favors settlement by the parties. In this matter, the record indicates that acknowledgment of this particular agreement will have no adverse effect on any third party. It is noted that all other eligibles on this list have been promoted.

CONCLUSION

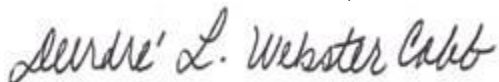
A review of the settlement indicates that it complies with Civil Service System law and rules. The policy of the judicial system strongly favors settlement. *See Nolan v. Lee Ho*, 120 *N.J.* 465 (1990); *Honeywell v. Bubb*, 130 *N.J. Super.* 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 *N.J. Super.* 472 (App. Div. 1961), *cert. denied*, 35 *N.J.* 61 (1961). This policy is equally applicable in the administrative area. A settlement will be set aside only where there is fraud or other compelling circumstances. *See Nolan, supra*. In this matter, no such compelling circumstances exist. Therefore, the Commission finds a sufficient basis to revive the PM5037P eligible list to allow for the retroactive appointment of Marrero to Police Lieutenant, effective September 9, 2015.

ORDER

Therefore, the Commission orders that the Police Lieutenant (PM5037P), North Bergen, eligible list be revived so that personnel records can be amended to indicate Enrique Marrero's permanent appointment to Police Lieutenant with an effective date of September 9, 2015.

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 2nd DAY OF MAY, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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