



**STATE OF NEW JERSEY**

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

In the Matter of Riclair Charles,  
Police Officer (S9999R), Township of  
Irvington

List Removal Appeal

CSC Docket No. 2018-152

**ISSUED: MAY 4, 2018**

**(ABR)**

Riclair Charles, represented by Joshua M. Forsman, Esq. appeals his removal from the Police Officer (S9999R), Township of Irvington (Irvington) eligible list on the basis of a falsified application.

The appellant took the open competitive examination for Police Officer (S9999R), which had a closing date of September 4, 2013, achieved a passing score and was ranked as a non-veteran on the subsequent eligible list. The eligible list promulgated on May 2, 2014 and expired on March 22, 2017. The appellant’s name was certified to the appointing authority on July 26, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant’s name due to falsification of his pre-employment application. Specifically, the appointing authority asserted that the appellant answered “no” to Question 46, which asked if he had “ever been arrested by or detained by any law enforcement officer for any crime, Disorderly Persons Offense, Petty Disorderly Offense or violation of a Local Ordinance, etc.” while noting in the Additional Information Section of the application that he had “been fingerprinted due to being arrested on traffic warrants.” In support of its requested disposition, the appointing authority submitted an Arrest Report which stated that the Irvington Police Department arrested him on August 23, 2012, pursuant to an active warrant from the Union Township Municipal Court based upon unpaid traffic fines.

On appeal to the Civil Service Commission (Commission), the appellant argues that he did not falsify his application, as the question at issue did not ask for disclosure of any arrests associated with a moving violation. He also asserts that he

did disclose the fact of his arrest in the Additional Information Section of the pre-employment application. Accordingly, the appellant argues that the appointing authority did not have a basis to remove him from the subject eligible list.

In response, the appointing authority argues that the record supports the removal of the appellant's name from the subject eligible list on the basis of a falsified application. It argues that the appellant's "no" response to Question 46 was a false statement of material fact. It proffers that the appellant was provided with clear instructions and a warning that his failure to fully answer each question could result in his rejection. It submits copies of the instruction pages which the appellant signed on October 9, 2016 to acknowledge that he understood the "instructions and warnings" contained therein.

### 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 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.

While the Commission is mindful of the high standards that are placed upon law enforcement candidates and personnel, a review of the record in this matter fails to support the removal of the appellant's name from the subject eligible list on the basis of a falsified application. The appointing authority cites the appellant's response of "no" to Question 46, which asked if he had "ever been arrested by or detained by any law enforcement officer for any crime, Disorderly Persons Offense, Petty Disorderly Offense or violation of a Local Ordinance, etc.," as falsification of the pre-employment application warranting the removal of his name from the subject eligible list. However, a review of the pre-employment application indicates that the appellant did disclose that he had been arrested based upon on unpaid traffic fines in the Additional Information Section of his pre-employment application. Therefore, while the appellant may have misinterpreted and inadvertently answered "no" in response to Question 46 on the pre-employment application, he did provide all the material facts relevant for the appointing authority to review his candidacy and therefore he did not falsify his application. *See In the Matter of Lance Williams* (CSC, decided May 7, 2014); *In the Matter of Julio Rivera* (MSB, decided February 11, 2004).

### ORDER

Therefore, it is ordered that this appeal be granted and that the list for Police Officer (S9999R), Township of Irvington 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 2<sup>ND</sup> DAY OF MAY, 2018



---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Riclair Charles  
Joshua M. Forsman, Esq.  
Tony Vauss  
Kelly Glenn