



STATE OF NEW JERSEY

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

In the Matter of Gregory
Katsimagles, Fire Fighter (M1513T),
City of Clifton

List Removal Appeal

CSC Docket No. 2018-878

ISSUED: MAY 4, 2018

(HS)

Gregory Katsimagles appeals the removal of his name from the eligible list for Fire Fighter (M1513T), City of Clifton on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open competitive examination for Fire Fighter (M1513T), which had a closing date of August 31, 2015. The resulting eligible list promulgated on March 11, 2016 and expires on March 10, 2019.¹ The appellant's name was certified to the appointing authority on March 6, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that he failed to respond to the certification notice.

On appeal to the Civil Service Commission, the appellant states that he did not receive the certification notice. Agency records indicate that the appellant submitted an address change on February 24, 2017 but that his address had not been updated as of the March 6, 2017 certification issue date. The address the appellant provided on February 24, 2017 is the same as that indicated in the appellant's appeal.

In response, the appointing authority, represented by Katie Mocco, Esq., maintains that it complied with the relevant statutes and regulations and properly

¹ The eligible list was extended one year to March 10, 2019.

removed the appellant's name from the subject eligible list because it did not receive a response to the certification notice from the appellant.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification." *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 an appointing authority's decision to remove his name from an eligible list was in error. The appointing authority requested the removal of the appellant's name from the eligible list for Fire Fighter (M1513T) on the basis of his failure to respond to the March 6, 2017 certification. However, the appellant states that he did not receive the certification notice. Further, the appellant submitted an address change to this agency shortly before the certification issued. However, his address had not been updated as of the certification issue date. Under these circumstances, which substantiate the appellant's claim of non-receipt, it is appropriate that his name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the eligible list for Fire Fighter (M1513T), City of Clifton 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 2ND DAY OF MAY, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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