



STATE OF NEW JERSEY

In the Matter of Sean O'Donnell,	:	<b>FINAL ADMINISTRATIVE ACTION</b>
Police Lieutenant (PM0745V),	:	<b>OF THE</b>
Sayreville	:	<b>CIVIL SERVICE COMMISSION</b>
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CSC Docket No. 2018-406	:	Examination Appeal
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**ISSUED:** May 24, 2018 (JH)

Sean O'Donnell requests that he be permitted to submit an application for the promotional examination for Police Lieutenant (PM0745V), Sayreville, after the application filing deadline.

By way of background, the announcement for the subject examination was issued on July 1, 2017 with an application filing deadline of July 21, 2017 and all on-line applications had to have been received by that date. It is noted the subject test was administered on October 5, 2017.

On appeal, O'Donnell, in a sworn statement, explains that on July 6, 2017, he applied for the subject test "from my desktop computer during working hours. I did this online as required and had to use my Visa card as my Discover card would not process. I recalled printing a page to [a] shared office printer. I have since been unable to find that document . . . and [I] assume it was discarded by a co-worker." He indicates that on July 23, 2017, he "checked [m]y credit card statement as I normally do and noticed my NJ State charges related to 2 vehicle registrations[;] this made me recall that the NJ State charge Civil Service \$50.00 which also should have been charged to my card when I registered for the exam. I called my Visa card and . . . they did not have a charge either pending or processing . . . [On] Monday July 24, I made a telephone call to the Civil Service Commission . . ." and he was informed that "all was well and that my payment had processed. [Staff] informed me that the records . . . did not indicate [the] method of payment, however, I was registered for the 2017 Police Lieutenant test symbol PM0745V."

A review of the record finds that in an email sent July 26, 2017 by OAS Support to the appellant, OAS Support indicated that while they had a record of the appellant filing an application for the 2014 Police Lieutenant exam (PM0975S), they did not have a record of the appellant creating or submitting an application for the subject test.

### CONCLUSION

Prior to July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) provided, in part, that applications for promotional examinations shall be filed no later than 11:59 p.m. on the announced filing date. However, effective July 17, 2017, *N.J.A.C.* 4A:4-2.1(e) was amended to substitute “4:00 p.m.” for “11:59 p.m.”

In the present matter, the appellant has submitted a signed sworn statement that he attempted to file an application on July 6, 2017. The Commission is willing to accept that if the appellant is prepared to make a statement under oath, understanding all its implications and consequences, then the Commission will accept the appellant’s statement that he attempted to file an application on July 6, 2017.

Accordingly, good cause has been presented to relax the provisions of *N.J.A.C.* 4A:4-2.1(e) and permit the appellant to file an application. In this regard, the Division of Agency Services should send the appellant a written application upon receipt of this decision. The completed application and the required application processing fee should be forwarded within the time specified by the Division of Agency Services to: New Jersey Civil Service Commission, P.O. Box 322, Trenton, New Jersey 08625-0322. Failure to file the application and processing fee within the time provided will result in rejection from the examination process.

### ORDER

Therefore, it is ordered that this appeal be granted, the appellant’s application be accepted and reviewed for eligibility, contingent upon receipt of the completed application and processing fee, and the appellant be scheduled for a make-up examination. Should the appellant achieve a passing score, his name should be added to the eligible list for prospective appointment consideration.

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 23RD DAY OF MAY, 2018

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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