

the death certificate; 3) A candidate's wedding which cannot be reasonably changed as evidence by relevant documentation; 4) When required for certain persons returning from military service (*see N.J.A.C. 4A:4-4.6A*) or 5) Error by the Civil Service Commission or the appointing authority. It is noted that this examination was competitive with 206 admitted candidates.

CONCLUSION

The record establishes that the appellant was scheduled to take the examination on April 7, 2018 and did not do so. A review of the reservation confirmation does not indicate that the reservation could not be cancelled or rescheduled, as the terms and conditions were not included. The Civil Service Commission publishes an Examination Information Alert (EIA) regarding fire promotional announcement and testing schedules. An EIA issued in January 2017 indicated that the tentative month of the oral examination was March or April 2018. As such, the appellant was on notice that the exam would be given in one of these months. Even so, he made reservations in September 2017 for this event. The fact that the appellant's family members also made plans to travel does not establish that the appellant could not change his plans. Prior travel plans outside of New Jersey or any contiguous state is not provided for in these rules as a basis to grant a make-up for fire promotional examinations.

The appellant references the FAQ's which notes that a previously planned vacation outside of New Jersey, New York, Delaware, or Pennsylvania, is an appropriate reason for granting a make-up examination *for most titles*. *See N.J.A.C. 4A:4-2.9(a)*. Public safety titles, and others, are not provided the same permissions for make-up examinations, and these make-up permissions are listed in the First Level Fire Supervisor Orientation Guide which was made available to all candidates in August 2017. The appellant was faced, essentially, with a scheduling conflict that he initiated after being put on notice of the tentative test date, and after being put on notice of the authorized reasons for make-up examinations for public safety titles. A scheduling conflict is not a valid reason for a make-up. *See e.g., In the Matter of Rose Messere* (MSB, decided May 5, 2004) and *In the Matter of Douglas Green, Elida Ortiz and Elba Rosario-Diaz* (MSB, decided July 13, 2011). As such, the circumstances presented by the appellant do not meet the above noted criteria.

A thorough review the record indicates that the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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



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