



STATE OF NEW JERSEY

In the Matter of Carlos Cuevas, Jr.,
Police Officer Recruit Human
Services (S9999R), Department of
Human Services

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

CSC Docket No. 2018-1806

List Removal Appeal

ISSUED: June 8, 2018

(SLK)

Carlos Cuevas, Jr., appeals his removal from the eligible list for Police Officer Recruit, Human Services (S9999R), Department of Human Services, for failing to respond to the certification notice.

By way of background, the appellant's name appeared on certification OS150677 that was issued to the appointing authority on August 31, 2015. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he failed to respond to the certification notice. The notice date for the certification was September 10, 2015. The list expired on March 22, 2017.

On appeal, the appellant presents that he was on active military duty between September 8, 2015 and September 30, 2016 and submits paperwork that confirms his claim.

Although given the opportunity, the appointing authority did not respond to the appellant's appeal.

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) provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

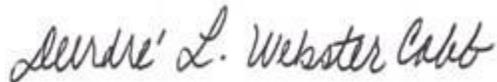
In the instant matter, the appellant submits documentation to confirm his claim that he was on active military duty at the time he was sent the certification notice. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Police Officer Recruit, Human Services (S9999R), Department of Human Services. Since the S9999R eligible list expired on March 22, 2017, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

ORDER

Therefore, it is ordered that this appeal be granted and the list for Police Officer Recruit, Human Services (S9999R), Department of Human Services 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 6th DAY OF JUNE, 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: Carlos Cuevas, Jr.
Lori Mattozzi
Kelly Glenn