



**STATE OF NEW JERSEY**

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

In the Matter of Sean Doherty Jr.,  
Fire Fighter (M1537T), Harrison

CSC Docket No. 2019-440

List Removal

**ISSUED:** September 24, 2018 (RE)

Sean Doherty Jr. appeals the removal of his name from the Fire Fighter (M1537T), Harrison eligible list due to his failure to appear for the Physical Performance Test (PPT).

By way of background, the appellant's name appeared on the Firefighter (M1537T) eligible list and was certified to Harrison on November 21, 2017. In response to this certification, the appellant gave his contact information and stated, "I am interested in this position of firefighter and wish to remain on the lists. Enclosed you will find my resume." He was then contacted via email and scheduled to take the PPT on January 18, 2018. The appellant did not appear for the PPT, and his name was removed from all Fire Fighter lists on which his name appeared. On appeal, the appellant maintains that the certification notice stated, "All Departments" and he responded with the intention to remain on the list for Bayonne, but did not respond with the intention of "being certified for Harrison." He states that he has lived in Bayonne his whole life and wishes to remain on the list for Bayonne. He argues that the certification is confusing and vague, and he misunderstood who he was responding to.

**CONCLUSION**

*N.J.A.C.* 4A:4-2.15(b)2 states that candidates who do not receive a passing score on one part of an examination shall be deemed to have failed the entire examination.

The certification notice received by the appellant indicated that, “Your name has been certified to the Appointing Authority indicated, and you will be considered for appointment.” It stated that he should mail his reply to the appointing authority, and it gave the name of the Harrison appointing authority and an address in Harrison. The certification was listed as OL171364, the certification date was November 21, 2017, his position on the certification was 240, and under locations was “Harrison, All Departments.” The instructions stated that “Failure to follow these instructions will result in the removal of your name from the list.” Under that, in bold type, it stated, “You **MUST WRITE** to the appointing authority within 5 business days of the date of this notice or your name will be removed from the list.” It went on to state that, “The address is listed below. Be sure to indicate whether or not you are interested in this position; and include your name, the address where you actually live, the certification number, and a daytime telephone number. You may also wish to include an updated resume with your response. Failure to contact the appointing authority in writing; to maintain active interest in immediate employment; or to provide a reason for declining consideration for this position, may automatically result in the removal of your name from the list.”

In this matter, the appellant stated in his letter to the appointing authority that he was interested in this position of firefighter and wished to remain on the list. This is not a statement of disinterest in the position located in Harrison. On appeal, the appellant argues that the notice did not indicate that he had to state what municipality he was responding to, and that “all departments” was written on the notice. This is puzzling, since the address is clearly the appointing authority’s address in Harrison, and there were multiple references to contacting the appointing authority. The certification indicated that “your name has been certified to the Appointing Authority indicated,” and it told candidates not to call or write the Civil Service Commission for the status of this certification. As such, he was not removed from the list for a lack of interest, and was scheduled for the PPT. Additionally, the New Jersey Fire Fighter Examination (NJFFE) Post-Written Test Timeline and Candidate Responsibilities document was given to all candidates, and is available on the Commission’s web site. This document states that, “If you fail the PPT, do not show up for your scheduled PPT date and time, or do not provide a properly completed and signed medical clearance form, you will be removed from **ALL** firefighter lists.” See *N.J.A.C. 4A:4-2.15(b)2*. The appellant has not satisfied his burden of proof in this matter and sufficient cause exists to remove his name from all Fire Fighter lists on which his name appears.

### **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 20<sup>th</sup> DAY OF SEPTEMBER, 2018



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