



**STATE OF NEW JERSEY**

In the Matter of Frederick Taylor,  
Social Worker 2, Corrections  
(S0593S), Statewide

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

CSC Docket No. 2018-2856

List Removal Appeal

**ISSUED: SEPTEMBER 24, 2018 (SLK)**

Frederick Taylor appeals his removal from the eligible list for Social Worker 2, Corrections (S0593S), Statewide for failing to respond to the certification notice.

By way of background, on December 8, 2017, a notice was sent to the appellant indicating that his name had been certified to the Department of Corrections from the Social Worker 2, Corrections (S0593S), Statewide list on certification OS170747. However, the appellant failed to respond to the certification notice.

On appeal, the appellant states that although he did receive certification notices for other certifications from the list and has interviewed for several positions, he never received the notice for the subject certification.

In response, the appointing authority states that it never received the appellant's response to the certification and therefore it requested that his name be removed from the list. It emphasizes that it is this agency that sent the appellant the subject certification notice. Consequently, it cannot determine if the certification notice was mailed to him.

In reply, the appellant submits a notarized statement indicating that he never received the subject certification notice.

Thereafter, the Division of Appeals and Regulatory Affairs (DARA) sent the appointing authority a letter advising that it had until Monday, August 20, 2018 to submit a further response. The letter also advised that if it did not submit a response by that date, the record would be closed. However, although the given the opportunity, the appointing authority did not submit a further response in this matter.

### 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 or her name from an eligible list was in error.

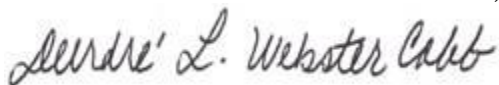
In the instant matter, the appellant submits a notarized statement indicating that he did not receive the subject certification notice. It is also noted that this agency's records indicate that the notice was returned as non-deliverable to the certification unit. Further, although given the opportunity, the appointing authority did not submit a response. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Social Worker 2, Corrections. Since the S0593S eligible list expired on December 17, 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 Social Worker 2, Corrections (S0593S), Statewide 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 20<sup>th</sup> DAY OF SEPTEMBER, 2018



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