



**STATE OF NEW JERSEY**

In the Matter of Gabriel Rivera, Fire  
Fighter (M1513T), Clifton

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

CSC Docket No. 2020-317

List Removal Appeal

**ISSUED: NOVEMBER 8, 2019 (SLK)**

Gabriel Rivera appeals his removal from the eligible list for Fire Fighter (M1513T), Clifton for failing to appear for pre-employment processing.

By way of background, in a January 10, 2019 letter, the appointing authority informed the appellant that he needed to appear for pre-employment processing on January 17, 2019. However, the appellant failed to appear.

On appeal, the appellant submits a notarized sworn statement indicating that he never received the appointing authority’s letter advising him to appear for pre-employment processing. Further, he indicates that he has had problems with his mail and he contacted the postal service concerning these issues.

In response, the appointing authority does not object to restoring the appellant’s name to the list for future consideration.

**CONCLUSION**

*N.J.A.C.* 4A:4-4.7(a)11 allows the Civil Service Commission (Commission) to remove an eligible’s name from an eligible list for other valid reasons. *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 name from an eligible list was in error.

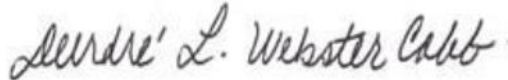
In the instant matter, the appellant submitted a notarized sworn statement, indicating that he never received the appointing authority's letter advising him to appear for pre-employment processing. Further, the appointing authority does not object to restoring the appellant's name for future opportunities. Accordingly, the Commission finds that that the appellant did not fail to complete pre-employment processing.

**ORDER**

Therefore, it is ordered that this appeal be granted and the list for Fire Fighter (M1513T), Clifton 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 6<sup>th</sup> DAY OF NOVEMBER, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Gabriel Rivera  
Dominick Villano  
Kelly Glenn