

## STATE OF NEW JERSEY

In the Matter of Samuel Nieves, Battalion Fire Chief (PM2163W), Plainfield

CSC Docket No. 2019-3433

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

**Examination Appeal** 

**ISSUED:** July 31, 2109 (RE)

Samuel Nieves appeals the administration of the oral portion of the examination for Battalion Fire Chief (PM2163W), Plainfield.

The oral portion of this examination was administered to the appellant on May 28, 2019. At the test center, the appellant appealed the testing conditions. Specifically, he stated, "Cell on top table and heat issue (and view of monitor used cell phone)."

## CONCLUSION

This appeal is extremely brief and contains no information regarding how the monitor's cell phone or the heat affected his presentation, nor does the appellant request a remedy. A review of the appellant's videotape indicates that he made a presentation of all three portions of the examination to the camera as instructed. The appellant has not demonstrated how the monitor's behavior of reading his cell phone had any impact on his response. In any event, appellant has taken the examination, and had the opportunity to review the examination booklet, his answers and the scoring criteria. As such, in fairness to other candidates, appellant cannot be given the same examination again, and appellant has not presented any other appropriate remedy.

A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met 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 31st DAY OF JULY, 2019

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