



STATE OF NEW JERSEY

In the Matter of Victor Peralta,
 County Correction Sergeant
 (PC2926W), Hudson County

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

CSC Docket No. 2019-3649

Examination Appeal

ISSUED: August 16, 2019 (JH)

Victor Peralta appeals the determination of the Division of Administrative Support denying his request for a make-up examination for County Correction Sergeant (PC2926W), Hudson County.

By way of background, candidates were sent notices dated April 25, 2019 that the examination would be administered on May 22, 2019. On May 20, 2019, Peralta filed a make-up request in which he submitted a letter from his physician, Dr. Ruiz, in which Dr. Ruiz indicated that Peralta had been seen in his office for an ongoing issue and indicated a diagnosis. Dr. Ruiz further stated that the appellant had begun a 14-day medication regimen on May 13, 2019 and due to the side effects, he “ordered [the appellant] not to attend the exam on May 22, 2019.” The appellant also provided a Medical Authorization for Make-up Examination form signed on May 20, 2019 by Dr. Ruiz in which he certified that the appellant would not be able to participate in the subject exam even if the Civil Service Commission provided special accommodations. In a letter dated May 24 2019, the Division of Administrative Support indicated that the appellant’s request did not meet the criteria pursuant to *N.J.A.C. 4A:4-2.9*.

On appeal, Peralta argues that as indicated in Dr. Ruiz’ letter dated May 20, 2019, he has been “dealing with some serious medical issues that physically and mentally affected my ability to take the test. I was following specific doctor[']s orders in order to get back to my complete health. This was an unfortunate unforeseen circumstance and I hope that the [Commission] can see that.” In support of his appeal, he provides additional documentation including a copy of the

letter dated May 20, 2019 from Dr. Ruiz and a listing, signed by Dr. Ruiz, of the current medications he is prescribed.

CONCLUSION

N.J.A.C. 4A:4-2.9(b) provides that for professional level engineering, police, fire, correction officer, sheriff's officer, juvenile detention officer and other public safety promotional examinations, make-ups may be authorized only in cases of:

1. Debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination;
2. Death in the candidate's immediate family as evidenced by a copy of the death certificate;
3. A candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation;
4. When required for certain persons returning from military service;
or
5. Error by the Civil Service Commission or appointing authority.

In the present matter, it is noted that the information Peralta presents does not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9. However, given that Peralta has provided a letter from his physician confirming that he was unable to sit for the test on the administration date, it is appropriate to relax the governing provision on equitable grounds. Thus, Peralta should be provided with a make-up examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant be scheduled for a make-up examination.

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
THE 14TH DAY OF AUGUST, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
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