

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Calvin J. Cosentino,
Fire Fighter (M1557T), North
Hudson Fire and Rescue

List Removal Appeal

CSC Docket No. 2020-660

ISSUED: January 21, 2020 (SDW)

Calvin J. Cosentino appeals the removal of his name from the eligible list for Fire Fighter (M1557T), North Hudson Fire and Rescue on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open-competitive examination for Fire Fighter (M1557T), which had a closing date of August 31, 2015. The resulting eligible list promulgated on March 11, 2016 and expired on March 28, 2019. The appellant’s name was certified to the appointing authority on October 17, 2018 with a notice date of October 24, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he failed to respond to the certification notice.

On appeal to the Civil Service Commission, the appellant states that he did not receive the certification notice. Agency records indicate that the appellant submitted an address change on June 20, 2018. However, agency records indicate that his address was not updated until December 18, 2019.

In response, the appointing authority, maintains that it complied with the relevant statutes and regulations and properly removed the appellant’s name from the subject eligible list as they did not receive a response from the appellant.

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 name from an eligible list was in error. The appointing authority requested the removal of the appellant's name from the subject eligible list on the basis of his failure to respond to the October 17, 2018 certification. However, the appellant states that he did not receive the certification notice. Moreover, agency records confirm that, the appellant submitted an address change to this agency four months before the certification issued. However, his address was not updated as of the certification issue date. Under these circumstances, it is appropriate that his name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and that the eligible list for Fire Fighter (M1557T), North Hudson Fire and Rescue, be revived in order for Calvin Cosentino 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 15TH DAY OF JANUARY 2020



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