(RE)



STATE OF NEW JERSEY

In the Matter of Timothy Loving, Fire Fighter (M1807W), Bordentown Township Fire District 2

CSC Docket No. 2020-1079

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: January 16, 2020

Timothy Loving requests a make-up of the physical performance portion (PPT) of the examination for Fire Fighter (M1807W), Bordentown Township Fire District 2.

The appellant was scheduled to take the PPT on September 11, 2019 and did not appear. In an appeal postmarked October 15, 2019, the appellant explains that he did not open the scheduling email on a computer, but did so on a phone, and did not note the date, time and location. On September 7, 2019, he opened the email on a borrowed laptop and realized that he would not make the test date of September 11, 2019, as he was driving across country at the time.

CONCLUSION

At the outset, *N.J.A.C.* 4A:2-1.1(b) states that, unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed. On the attachment provided, which is presumably what the appellant could see on his phone, it states that make-ups requests must be submitted in writing with supporting documentation within five days of receipt of the notice. The appellant was sent a notice on August 26, 2019 and did not file an appeal until October 15, 2019. As such, this appeal is clearly untimely.

Pursuant to *N.J.A.C.* 4A:4-2.9(a), Make-up examinations for open competitive and general promotional testing may be authorized for the following reasons:

- 1. Error by the Civil Service Commission or appointing authority;
- 2. Serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons;
 - 3. Documented serious illness or death in the candidate's immediate family;
 - 4. Natural disaster:
- **5.** Prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation:
- **6.** When required for certain persons returning from military service (see N.J.A.C. 4A:4-4.6A); and
 - 7. Other valid reasons.

Although this matter is being denied solely on the basis that it is untimely, this request is also without merit. Across the top of the attachment provided, it states, "FF PPT NOTICE 091119-10A..." This includes the date of the examination, September 11, 2019, which the appellant could have seen. Also, computers are ubiquitous, and the appellant did not indicate that he did not have Internet access or access to a working computer while he was away. The appellant provides no proof or evidence of his travel, and does not explain why he did not request a make-up in a timely fashion.

ORDER

Therefore, it is ordered that this request be dismissed as untimely.

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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Chairperson

Civil Service Commission

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