



STATE OF NEW JERSEY

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

In the Matter of Richard Alvarez,
Sheriff's Officer (S9999U), Monmouth
County

List Removal Appeal

CSC Docket No. 2020-2192

ISSUED: OCTOBER 23, 2020 (VJ)

Richard Alvarez appeals the removal of his name from the eligible list for Sheriff's Officer (S9999U), Monmouth County on the basis that he failed to respond to the certification notice.

The appellant, a veteran, took and passed the open-competitive examination for Sheriff's Officer (S9999U), which had a closing date of August 31, 2016. The resulting eligible list promulgated March 29, 2017 and expired on May 30, 2020¹. The appellant's name was certified to the appointing authority on August 16, 2019, with a notice date of August 23, 2019. 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.

In support of his appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that he did not receive the August 23, 2019 certification notice.

Despite an opportunity to do so, the appointing authority did not submit a response.

¹ Agency records indicate that the subject eligible list was extended until the new list (S9999A) promulgated on May 15, 2020.

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.

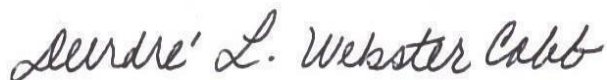
The appointing authority requested the removal of the appellant's name from the eligible list for Sheriff's Officer (S9999U) on the basis of his failure to respond to the August 23, 2019 certification notice. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that he did not receive the certification notice. Where there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting his sworn, notarized statement. See *SSI Medical Services, Inc. v. State Department of Human Services*, 146 *N.J.* 614 (1996); *Szczesny v. Vasquez*, 71 *N.J. Super.* 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Thus, it is appropriate that his name be restored to the subject eligible list for prospective employment opportunities only.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Sheriff's Officer (S9999U), Monmouth County, be revived in order for the appellant to be considered for prospective appointment opportunities only at the time of the next certification.

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 21ST DAY OF OCTOBER 2020



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