



**STATE OF NEW JERSEY**

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

In the Matter of Akinloye Ogunniran,  
Assistant Supervisor Residential  
Living Developmental Center  
(PS1686K), Hunterdon  
Developmental Center

List Removal Appeal

CSC Docket No. 2021-27

**ISSUED: OCTOBER 23, 2020 (SDW)**

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Akinloye Ogunniran appeals the removal of his name from the eligible list for Assistant Supervisor Residential Living Developmental Center (PS1686K), Hunterdon Developmental Center on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the promotional examination for Assistant Supervisor Residential Living Developmental Center (PS1686K), which had a closing date of August 22, 2016. The resulting eligible list promulgated April 17, 2017 and expired on April 26, 2020. The appellant’s name was certified to the appointing authority on January 29, 2020 with a notice date of February 5, 2020. 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 February 5, 2020 certification notice.

**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.

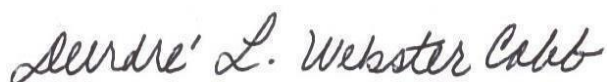
The appointing authority requested the removal of the appellant's name from the eligible list for Assistant Supervisor Residential Living Developmental Disability (PS1686K) on the basis of his failure to respond to the February 5, 2020 certification notice. However, the appellant has submitted a sworn, 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.

### ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Assistant Supervisor Residential Living Developmental Disability (PS1686K), Hunterdon Developmental Center, be revived in order for appellant 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 21<sup>ST</sup> DAY OF OCTOBER 2020



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c: Akinloye Ogunniran  
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