



**STATE OF NEW JERSEY**

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

In the Matter of Joel Gonzalez,  
Correctional Police Officer (S9999U),  
Department of Corrections

CSC Docket No. 2019-2442

List Removal Appeal

**ISSUED: MAY 22, 2020 (CSM)**

Joel Gonzalez appeals the removal of his name from the Correctional Police Officer (S9999U), Department of Corrections eligible list on the basis of an unsatisfactory background report.

By way of background, the appellant took the open competitive examination for the subject title, achieved a passing score and his name was certified to the appointing authority. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis of an unsatisfactory background report. Specifically, the appointing authority indicated that the appellant was issued an uncharacterized discharge from the military for being unable to follow directions, was denied employment with the Rahway Police Department for failing to follow directions or having his paperwork filled out, that he was 15 minutes late for his scheduled Phase 3 home interview, and his paperwork was not prepared when he did arrive. Further, the appointing authority indicated that the appellant was denied a firearms ID Card after being found to be a threat to public health and welfare and in 2018 he was arrested and charged with unlawful possession of a weapon, which was downgraded and later dismissed.

On appeal to the Civil Service Commission (Commission), the appellant states that he was discharged from the military as a result of a physical injury during basic training and he was deemed to be “not adaptable” because he was unable to complete his training. The appellant notes that the criminal charges filed against him were dismissed and he was not late to his home interview because staff conducting the interview were 30 minutes early. Therefore, the appellant maintains that the

appointing authority's proffered reasons are inaccurate and that his name should be restored to the subject list.

In response, the appointing authority states that the appealed was issued an uncharacterized discharge from the Army National Guard in 2016. Additionally, he was arrested in 2017 for possession of a weapon. Although the charges were dismissed, the appellant did admit to possession of brass knuckles. Further, the appointing authority states that the appellant was denied a firearms ID Card due to being a threat to public health and welfare and he was denied employment with the Rahway Police Department due to that and other background issues as stated by Captain D. Rodger of the Rahway Police Department. The appointing authority reiterates that the appellant was not prepared for his home interview, to which he acknowledges in a written statement that was taken during the background investigation.

In reply, the appellant reiterates that he was discharged from the military due to an injury he received during basic training. He also states that he was told that he was denied a firearms permit for being "too young and didn't need a firearm."

## CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the removal of an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment.

In the present matter, the appointing authority had ample reasons to remove the appellants name from the subject list. Initially, although it is clear that the appellant was never convicted of a crime, he was charged with unlawful possession of a weapon for an incident that occurred on April 18, 2017, little more than one year prior to his name being considered for appointment. While an arrest is not an admission of guilt, it may warrant removal of an eligible's name where the arrest adversely relates to the employment sought. *See In the Matter of Tracey Shimonis*, Docket No. A-3963-01T3 (App. Div. October 9, 2003). Although he claims he was told he was "too young," the appointing authority provided documentation dated January 11, 2018 that the appellant's firearm application was disapproved because the Rahway Police Department based on public health, safety and welfare concerns. Additionally, Rahway indicated to the appointing authority that it did not hire the appellant because of its denial of his firearm's application and "other background issues." Further, although the appellant claims that the investigators were 30 minutes early to his home interview, it is clear that he was not prepared as he conceded that he was responsible to complete the employee verification forms which he "knowingly did not complete or fax." Similarly, the appellant conceded that he

failed to complete the proper military records request sheet due to a misunderstanding.

Given the totality of these issues, including his adverse encounter with law enforcement in 2017, which all occurred in the relatively short time before his appointment consideration, the appellant's name was properly removed from the subject list. In this regard, the Commission notes that Correctional Police Officers, like Police Officers, hold highly visible and sensitive positions within the community, and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). The public expects Correctional Police Officers to present a personal background that exhibits respect for the law and the rules. Accordingly, given the totality of the circumstances, the appointing authority has presented sufficient cause to remove the appellant's name from subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be denied.

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  
20<sup>TH</sup> DAY OF MAY, 2020

*Deirdre L. Webster Cobb*

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