



**STATE OF NEW JERSEY**

In the Matter of J. L., Correctional  
Police Officer (S9988A), Department  
of Corrections

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

CSC Docket No. 2020-2042

List Removal Appeal

**ISSUED:                    JUNE 19, 2020**

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J.L. appeals the appointing authority’s request to remove his name from the eligible list for Correctional Police Officer (S9988A), Department of Corrections.

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 falsification of the employment application. Specifically, the appointing authority indicated that the appellant failed to disclose on his application that he was charged with simple assault on January 7, 2008, pled guilty, and received a six-month deferred disposition.

On appeal, the appellant explains that he was involved in a “mutual physical altercation” where very minor injuries, if none occurred. However, months after the dispute, he received a letter from the Monmouth County Court indicating that the individual he was in the dispute with filed criminal complaints against him for simple assault. Therefore, the appellant was ordered to appear before the presiding judge in Monmouth County where he was advised by the judge that the matter was being handled as a juvenile matter. Following his appearance in court, the appellant explains that he has not had any contact with the police. The appellant explains that when he was filing the subject employment application, he responded to the Howell Township Police Department to verify his documents and police contacts. The appellant states that when he was dealing with the records bureau, he was advised that since the altercation he was involved in was juvenile, he would not be privy to the records and that they would not be given to him.

In response, the appointing authority states that its application instructions clearly require all candidate to disclose all their charges on their employment application. Additionally, it defines all terms to ensure that candidates are well aware of what information must be disclosed, how to disclose it, and if supporting documentation must be submitted. In this case, since the appellant failed to provide information about his background as requested, the appointing authority maintains that she should be removed from the list.

## CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the removal of an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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 or her name from an eligible list was in error.

In the instant matter, the appointing authority provided an ample basis to support the removal of the appellant's name from the subject list. Question #46 asked, "[h]ave you ever been arrested, indicted, charged with or convicted of a criminal, sexual, or disorderly persons offense in this State or any other jurisdiction *as a juvenile or an adult?*" In response to this question, the appellant checked "no.". Further, the appellant concedes in his appeal that when he was filing the subject employment application, he responded to the Howell Township Police Department to verify his documents and police contacts and was advised by the records bureau that since the altercation occurred when he was a juvenile, he would not be privy to the records and that they would not be given to him. As such, he was aware at the time he was filing his application of his juvenile record but did not accurately answer the question on the application to disclose these charges.

The information that the appellant failed to disclose is considered material and should have been accurately indicated on her employment application and during the appointing authority's background investigation. The Appellate Division of the New Jersey Superior Court in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. In this regard, it is recognized that municipal Correctional 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). *See also, In re Phillips*, 117 *N.J.* 567 (1990). The public expects

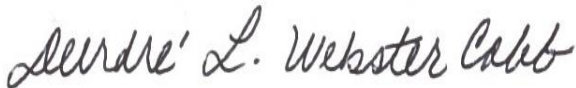
Correctional Police Officers to present a personal background that exhibits respect for the law and rules. The appellant's failure to disclose this information is indicative of the appellant's lack of integrity and questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. Accordingly, the appointing authority has presented sufficient cause to remove the appellant's name from the Police Officer (S9988A) 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  
17<sup>TH</sup> DAY OF JUNE, 2020



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