



STATE OF NEW JERSEY

In the Matter of Trey Boone,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2020-2347

List Removal Appeal

ISSUED: JULY 2, 2020 (SLK)

Trey Boone appeals the decision to remove his name from the Correctional Police Officer (S9988A), Department of Corrections, eligible list on the basis of falsification of his application.

The appellant took the open competitive examination for Correctional Police Officer (S9988A), which had an January 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant falsified his application. Specifically, the appellant indicated on his application that he did not have any police contact or was not arrested. However, its investigation revealed that on July 3, 2010, the appellant was charged with a municipal offense for possession/consumption of alcohol. This charge was dismissed. Additionally, on August 29, 2018, the appellant was charged with a simple assault, a disorderly persons offense. No disposition provided.

On appeal, the appellant states he was never arrested or in police contact with either of the incidents that appeared on his background check. He presents that the July 3, 2010 for possession/consumption of alcohol charge was dismissed for false identification. Additionally, the appellant indicates that the August 29, 2018 charge for simple assault was satisfied through a court mediation agreement based on the plaintiff's inability to prove that he was guilty of the charge. He attaches documentation to support his statements. He reiterates his position that he was never arrested, charged or in police contact, and, therefore, he did not falsify his application.

In response, the appointing authority presents that although the appellant asserts that he never had any police contact or was never arrested or charged with any offense, he provides disposition paperwork for both charges; therefore, proving that he was in fact charged.

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 Civil Service Commission (Commission) to remove 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.

The primary inquiry regarding the removal of a candidate's name based on the falsification of his or her employment application 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. *See In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003).

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, regardless of the outcome, the appellant provides documentation that he was in fact charged on July 3, 2010 for possession/consumption of alcohol and, on August 29, 2018, the appellant was charged with a simple assault. While the appellant may believe that he did not need to disclose these charges due to their outcomes, candidates are responsible for the accuracy of their applications. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Moreover, even if there was no intent to deceive, as the August 29, 2018 incident occurred only several months prior to the January 31, 2019 closing date, his failure to disclose this incident was material. At minimum, the appointing authority needed this information to have a complete understanding of her background in order to properly evaluate her candidacy. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correctional Police Officers, like municipal 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.

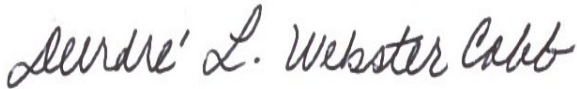
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Correctional Police Officer (S9988A), Department of Corrections, eligible list.

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 1ST DAY OF JULY, 2020



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