



**STATE OF NEW JERSEY**

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

In the Matter of Nicholas Mitses,  
Insurance Analyst 3, Life and Health  
(PS2734L), Department of Banking  
and Insurance

Examination Appeal

CSC Docket No. 2021-1498

**ISSUED: MAY 24, 2021 (SLK)**

Nicholas Mitses appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Insurance Analyst 3, Life and Health (PS2734L), Department of Banking and Insurance.

The subject examination's closing date was March 23, 2020. The examination was open to employees in the competitive division who were currently serving in the title of Insurance Analyst 4, Life and Health and had an aggregate of one year of continuous permanent service as of the closing date. The education requirements were the successful completion of four parts of the LOMA education program, or the first three examinations of the Society of Actuaries. The appellant was the only applicant and the examination was cancelled due to a lack of qualified applicants.

On his application, the appellant indicated that he was an Insurance Analyst 4, Life and Health from March 2016 to the March 23, 2020 closing date. Personnel records indicate that he was provisionally serving in the subject title from March 2019 to the March 23, 2020 closing date, an Insurance Analyst 4, Life and Health from April 2017 to the March 2019 and an Insurance Analyst Trainee from March 2016 to April 2017. Agency Services determined that he did not meet the education requirement.

On appeal, the appellant submits his LOMA transcript to show that he successfully completed four parts of the LOMA education program.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible as did not indicate that he successfully completed four parts of the LOMA education program. However, on appeal, the appellant amended his application by submitting his transcript from LOMA which indicates that he has successfully completed four parts of the LOMA education program. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the circumstances present in this matter provide good cause to permit the appellant to amend his application. Specifically, the eligible list was cancelled due to a lack of qualified candidates. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). In this regard, the Commission finds that the appellant has demonstrated that he has the required education for the subject title by the closing date, which, based on the circumstances presented, warrants his admission to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and admit the appellant.

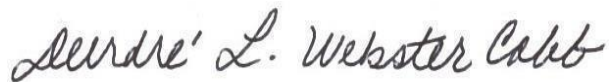
The Commission cautions the appellant that, in the future, he should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. This determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, and the appellant's application be processed 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 19<sup>TH</sup> DAY OF MAY, 2021



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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Nicholas Mitses  
Adam Stevens  
Division of Agency Services  
Records Center