



STATE OF NEW JERSEY

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

In the Matter of Iris P. Ruffin, Social
Worker (C0032B), Atlantic County

List Removal Appeal

CSC Docket No. 2021-880

ISSUED: JUNE 7, 2021 (VJ)

Iris Ruffin appeals Atlantic County’s request to remove her name from the eligible list for Social Worker (C0032B), on the basis that she failed to appear for an interview.

The appellant, a non-veteran, took and passed the open competitive examination for Social Worker (C0032B), which had a closing date of January 6, 2020. The resulting eligible list, containing six names, promulgated on September 10, 2020 and expires of September 9, 2023. A certification (OL200718), containing all six names, including the appellant’s name, was issued to that appointing authority on September 10, 2020. In returning the certification, the appointing authority appointed four of the six eligibles, all whom had the same rank, and requested the removal of the appellant and the remaining eligible’s names from the certification.

On appeal, Ruffin states she responded to the appointing authority regarding the notice of certification, but that she never received the letter scheduling her for an interview. In support, the appellant submits a sworn notarized statement.

In response, the appointing authority maintains that the appellant’s removal from the subject eligible list was appropriate as she did not appear for the interview. In this regard, the appointing authority notes that although the appellant responded late to the certification notice, it still scheduled her for an interview on November 10, 2020. Moreover, it maintains that it notified the appellant of the interview by letter to her address of record.

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 her name from an eligible list was in error.

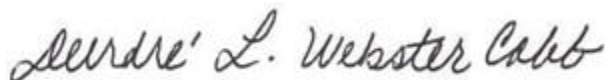
The appointing authority requested the removal of the appellant's name from the eligible list for Social Worker (C0032B), on the basis that she did not appear for an interview on November 10, 2020. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she did not receive the letter notifying her of the interview. While 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 her 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 her name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted, and that Iris Ruffin's name be restored to the eligible list for Social Worker (C0032B), Atlantic County 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 2ND DAY OF JUNE, 2021



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