



STATE OF NEW JERSEY

In the Matter of Sheyna Corbo, Police
Officer (S9999A), Elizabeth

CSC Docket No. 2021-1614

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

List Removal Appeal

ISSUED: JULY 26, 2021 (SLK)

Sheyna Corbo appeals the decision to remove her name from the Police Officer (S9999A), Elizabeth eligible list on the basis of falsifying her application.

The appellant took the open competitive examination for Police Officer (S9999A), Elizabeth, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. Her name was certified (OL200808) on September 21, 2020 as the 15th listed candidate. In seeking her removal, the appointing authority indicated that the appellant falsified her application.

On appeal, the appellant indicates that she believes that the investigator had a preconceived notion of her based on how she was treated and comments made to her during interviews. She states that he continually embarrassed her by disclosing her confidential past and dismissed charges, which she provided, in the presence of other candidates to coerce her to withdraw her interest. The appellant contends that during her second interview, he threatened that if she did not withdraw, that he would personally see to it that she was removed from the list and from other certifications where her name had been certified. She states that she contacted this agency and was told that the investigator's statements were not true. The appellant highlights that she is currently a County Correctional Police Officer and was hired

without any concerns. She asserts that she is a minority female who has faced unfair treatment throughout her existence. The appellant believes that the pre-employment process should have proceeded in a professional manner free from personal opinions, perception and derogatory remarks. She indicates that to the best of her knowledge, she completed the application thoroughly and she provided the official court dismissals and dispositions that she could obtain under the Covid-19 restrictions.

In response, the appointing authority, represented by Robert J. Lenahan, Jr., Special Counsel, presents that the appellant listed her address incorrectly from July 2019 to July 2020 as a motor vehicle printout showed her current address at a different unit starting on September 18, 2019. Additionally, it indicates that she failed to disclose Dave and Busters Management Corporation as a previous employer. The appointing authority attaches a W-2 that shows that she worked there for some unknown time in 2019. It notes that she failed to provide her supervisor, co-workers, nature of the job, and most importantly, the reason why she left the job. The appointing authority states that a complete background check cannot be done without that information and a simple W-2 does not close that gap. It presents that the appellant indicated on her application that she did not receive any motor vehicle summonses in the past 10 years. However, the appointing authority states that her certified driver's abstract shows that she had August 2012 and May 2013 summonses and asserts that her failure to disclose this information is a clear falsification of material fact. The appointing authority also indicates that the appellant presented three parking tickets within the past four years. However, the appointing authority submits a New Jersey Automated Traffic System printout which shows seven tickets within the past four years. Further, it presents that the appellant failed to disclose a December 2009 arrest in Hackensack. The appointing authority argues that there can be no greater type of falsification than to fail to disclose past/pending criminal charges by a Police Officer candidate. Moreover, it indicates that the appellant was asked to indicate the last three times that State and federal tax returns were filed and although the appellant responded "n/a," she did provide 2018 and 2019 tax returns. However, the appointing authority argues that the appellant's response was inadequate and unresponsive and asserts that her failure to provide her third year of returns is indicative of an intent to prevent it from completing a comprehensive background check.

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.

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.

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 Commission to remove an eligible's name from an eligible list for having a prior employment history which relates adversely to the title.

N.J.S.A. 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4 provide that an eligible's name may be removed from an eligible list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought.

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 Commission to remove 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. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

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 this matter, the appointing authority indicated that the appellant failed to completely and accurately provide her address history, employment history, driving history, criminal history, and tax return history. Further, it provided documentation to support its assertions. Moreover, the appellant did not reply to the appointing authority's response. Therefore, even if there was no intent to deceive, in light this background, her failure to fully and accurately disclose this requested information 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). Moreover, while the appellant makes certain claims of inappropriate actions by the appointing authority during the background investigation, they are wholly unsubstantiated. Therefore, in reviewing the totality of the appellant's background,

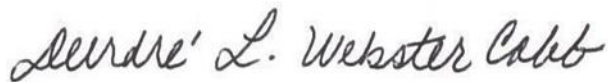
the Commission finds that it was appropriate for the appointing authority to remove her name from the Police Officer list based on falsification.

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 21ST DAY OF JULY, 2021



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