



STATE OF NEW JERSEY

In the Matter of Ja'mauri Chumiso,
Sr., Correctional Police Officer
(S9999A), Department of Corrections

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

CSC Docket No. 2021-1894

List Removal Appeal

ISSUED: SEPTEMBER 7, 2021 (SLK)

Ja'mauri Chumiso, Sr., appeals the decision to remove his name from the Correctional Police Officer (S9999A), Department of Corrections eligible list on the basis of an unsatisfactory criminal record and falsification of application.

The appellant took the open competitive examination for Correctional Police Officer (S9999A), Department of Corrections, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (S20A01) and he was ranked as the 382nd candidate. In seeking his removal, the appointing authority indicated that the appellant had an unsatisfactory criminal record as he was arrested and charged with Criminal Domestic Violence, a high and aggravated felony out of Darlington County in 2007, which led to him initially being sentenced to 30 days in jail, and amended to 13 days. Additionally, the appointing authority indicated that the appellant falsified his application by failing to disclose this charge, arrest and conviction on question 48 as required.

On appeal, the appellant asserts that it is false that he failed to disclose the aforementioned charge as he does not have any felonies on his record. The appellant presents that he contacted the South Carolina Law Enforcement Division and the actual charge was Assault/Simple Assault and Battery, which is a misdemeanor. He

indicates that the violation date was October 15, 2005, the disposition date was August 15, 2007, and he paid a fine of \$128.75. The appellant submits the Case History paperwork from South Carolina to support his statements.

In response, the appointing authority indicates that it is relying on the appellant's application, the Criminal Justice Information Services (CJIS) 2000 Response RAP sheet, and the appellant's statement and court documents to support its decision to remove him from the hiring process.

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:4-6.3(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 submits the CJIS 2000 Response which indicates that the appellant was charged with Criminal Domestic Violence High & Aggravated, which is a felony, and he was convicted on August 15, 2007 of Criminal Domestic Violence 1st Offense, which is a misdemeanor. The appellant submits paperwork from South Carolina which indicates that he was charged with Assault/Simple Assault and Battery for a violation that took place on October 15, 2005 and he pled guilty on August 15, 2007. A review of the appellant's employment application indicates that on question 48, he was asked if he ever received a summons complaint, been arrested, indicted, or convicted for any violation of the law, including fish and game laws. The appellant did not respond to the question. On question 50, the appellant was asked if he had ever been the subject of a criminal investigation or investigated by any law enforcement or private security for any reason, to include any police contact. The appellant answered "No." On question 52, the appellant was asked if he had ever had any police or other law enforcement contact as a juvenile or adult and if yes, to explain. The appellant answered "yes," but did not explain. On question 55, the appellant was asked if he had ever been involved in a personal

relationship in where he threatened, assaulted or harassed another party and if yes, to explain. The appellant answered “yes” and indicated that his answer was on page 30 of 32. On page 30 of 32, the appellant indicated that his answer to question 55 was “10/15/2005 – Assault/Simple assault and battery.”

The Civil Service Commission (Commission) finds that even if the appellant did disclose the charge in question, he did not adequately explain the incident as required, as other than stating the date of the incident and the name of the charge, the appellant provided no explanation. Further, regardless as to whether the initial charge was a felony or misdemeanor, it is noted that the charge in this matter was serious enough in that appellant was facing potential jail time. Therefore, even if there was no intent to deceive, his failure to provide an adequate explanation of the incident was material. At minimum, the appointing authority needed a detailed explanation to have a complete understanding of his background to properly evaluate his candidacy. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Therefore, it was appropriate for the appointing authority to have removed the appellant’s name from the list for falsification. It is noted that the Commission need not decide if the appellant’s criminal background, under *N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4, or other background, under *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, was sufficient for removal as he is already being removed for falsification.¹

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
DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1ST DAY OF SEPTEMBER, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

¹ In addition to the charge in question, the appellant’s application indicates a number of driver’s license suspensions between 2003 and 2013 and a 2012 driving under the influence charge.

Inquiries
and
Correspondence

Allison Chris Myers
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Ja'mauri Chumiso
Veronica Tingle
Division of Agency Services
Records Center