



STATE OF NEW JERSEY

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

In the Matter of William Marroquin,
Police Officer (S9999U), Clifton

List Removal Appeal

CSC Docket No. 2021-1792

ISSUED: SEPTEMBER 7, 2021 (HS)

William Marroquin appeals the removal of his name from the eligible list for Police Officer (S9999U), Clifton on the basis that he failed to respond to the certification notice.

As background, the appellant's name appeared on the Police Officer (S9999U) eligible list, which promulgated on March 29, 2017 and expired on May 1, 2020.¹ The appellant's name was certified to Paterson on October 22, 2018. The appellant received a regular appointment, effective January 14, 2019, and resigned in good standing, effective February 19, 2019. In an appeal to the Civil Service Commission (Commission), the appellant recounted that he was dismissed from academy training and "forced" to resign by Paterson. The Commission found that the appellant failed to demonstrate that his resignation was the result of duress or coercion. Nevertheless, the Commission noted that the appellant was ultimately successful in an appeal to the Police Training Commission, which reversed his dismissal from academy training, and Paterson had no objection to the appellant's restoration to the eligible list. Therefore, the appellant's name was restored to the eligible list. Since the list had expired, it was appropriate to revive the list at the time of the next certification to allow the appellant to be considered for prospective appointment. *See In the Matter of William Marroquin* (CSC, decided September 16, 2020). Following that decision, the appellant's name was certified to Clifton on October 28, 2020 (OL200837) with a notice date of November 5, 2020. Certification notices instruct individuals to write to the appointing authority within five business

¹ The eligible list was extended to May 1, 2020.

days of the notice date letting it know whether or not the individual is interested in the position. In disposing of the certification, Clifton requested the removal of the appellant's name on the basis that he failed to respond to the certification notice.

On appeal to the Commission, the appellant submits an affidavit attesting that he did not receive the October 28, 2020 (OL200837) certification.

Clifton, despite the opportunity, did not submit any information for the Commission's review.

CONCLUSION

The name of an eligible may be removed from an eligible list for non-compliance with the instructions listed on the notice of certification. *N.J.A.C.* 4A:4-4.7(a)6. An appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his name from an eligible list was in error. *See N.J.A.C.* 4A:4-6.3(b) and *N.J.A.C.* 4A:4-4.7(d).

Clifton requested the removal of the appellant's name from the eligible list for Police Officer (S9999U) on the basis of his failure to respond to the October 28, 2020 (OL200837) certification notice. However, the appellant has submitted an affidavit attesting that he did not receive the notice. 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 his affidavit. *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 to restore the appellant's name to the Police Officer (S9999U), Clifton eligible list. Since the list expired on May 1, 2020, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

ORDER

Therefore, it is ordered that the eligible list for Police Officer (S9999U), Clifton be revived in order for William Marroquin to be considered for appointment at the time of the next certification 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 1ST DAY OF SEPTEMBER, 2021

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