



STATE OF NEW JERSEY

In the Matter of Daniel Resolus,
Police Officer (S9999A), Orange

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

CSC Docket No. 2021-1872

List Removal Appeal

ISSUED: JANUARY 21, 2022 (HS)

Daniel Resolus appeals the removal of his name from the eligible list for Police Officer (S9999A), Orange on the basis of falsification of the preemployment application.

The appellant, a non-veteran, took and passed the open competitive examination for Police Officer (S9999A), which had a closing date of August 31, 2019. The resulting eligible list promulgated on May 15, 2020 and expires on May 14, 2022. The appellant’s name was certified to the appointing authority on October 28, 2020. In disposing of the certification, the appointing authority requested the removal of the appellant’s name due to falsification of his preemployment application. Specifically, the appointing authority asserted that the appellant failed to disclose the following: three motor vehicle accidents (August 9, 2019, November 13, 2016, and July 22, 2015); one violation for unsafe operation of a motor vehicle (April 11, 2016); and one violation for improper operation-highways w/ marked lanes (July 22, 2015). The appellant only listed the following: an unspecified violation or accident (November 12, 2020), a prohibited U-turn violation (August 12, 2016); and parking tickets (dates unspecified). In support, the appointing authority submitted a copy of the appellant’s certified driver abstract dated November 10, 2020 and portions of the appellant’s preemployment application pertaining to “Motor Vehicle/License Information” and “Traffic Record.”

On appeal to the Civil Service Commission (Commission), the appellant maintains, among other things, that he had given the appointing authority a copy of his driver abstract. In support, he submits a copy of his five-year driver abstract

dated February 8, 2020, which includes the three motor vehicle accidents and two violations that the appellant was asserted to have omitted.

Despite the opportunity, the appointing authority, represented by John J.D. Burke, Esq., did not submit any further arguments.¹

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 Commission to remove an eligible's name from an eligible list when he has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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 name from an eligible list was in error.

A review of the record in this matter fails to support the removal of the appellant's name from the subject eligible list on the basis of a falsified preemployment application. The appointing authority maintained that the appellant did not disclose on his preemployment application three motor vehicle accidents (August 9, 2019, November 13, 2016, and July 22, 2015); one violation for unsafe operation of a motor vehicle (April 11, 2016); and one violation for improper operation-highways w/ marked lanes (July 22, 2015). However, on appeal, the appellant maintains that he provided the appointing authority with a copy of his driver abstract and submits a copy of his five-year driver abstract dated February 8, 2020, which includes the motor vehicle accidents and violations that the appellant was asserted to have omitted. Since the appointing authority has not contested the appellant's claim, the Commission will credit the appellant's claim that he provided the appointing authority with a copy of his driver abstract that included the pertinent accidents and violations. Therefore, while the appellant may not have written out that information on the pre-employment application, he did provide all the material facts relevant for the appointing authority to review his candidacy and therefore did not falsify his application. *See In the Matter of Lance Williams* (CSC, decided May 7, 2014); *In the Matter of Julio Rivera* (MSB, decided February 11, 2004). Accordingly, there is not a sufficient basis to remove the appellant's name from the subject eligible list.

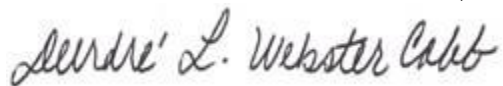
¹ The appointing authority had indicated that it anticipated that, by the end of the week of October 18, 2021 at the latest, it would provide the appellant with a copy of all documents and arguments upon which it based its request to remove his name from the eligible list when it disposed of the certification. *See N.J.A.C.* 4A:4-4.7(b)1 ("Upon request of the eligible or upon the eligible's appeal, the appointing authority shall provide the eligible with copies of all materials sent to the appropriate Commission representative.") The Commission received no substantive evidence that this was done.

ORDER

Therefore, it is ordered that this appeal be granted and Daniel Resolus's name be restored to the eligible list for Police Officer (S9999A), Orange for prospective employment opportunities.

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 19TH DAY OF JANUARY, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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: Daniel Resolus
Christopher Hartwyk
John J.D. Burke, Esq.
Division of Agency Services