



STATE OF NEW JERSEY

In the Matter of Darrel Dockery,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2022-932

List Removal Appeal

**ISSUED: FEBRUARY 18, 2022
(SLK)**

Darrel Dockery appeals the decision to remove his name from the Correctional Police Officer (S9988A), Department of Corrections eligible list on the basis of falsification of the employment application.

The appellant took the open competitive examination for Correctional Police Officer (S9999A), Department of Corrections, which had an January 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (JU19A01) and he was ranked as the 681th candidate. In seeking his removal, the appointing authority indicated that the appellant falsified his application. Specifically, the appointing authority's removal letter indicated that the appellant failed to provide two former residences in Trenton, New Jersey, all employers including WAG Employee Services, City of Trenton, Association of Community Organizations (ACORN) and SPS Holding Company, and all charges and/or local ordinance violations including a June 2001 shoplifting charge, April 2007 and March 2008 noise violations, and various November 2018¹ charges for misrepresentation of goods, possession of a controlled dangerous substance (CDS), which is a 3rd degree felony charge, manufacture/distribute CDS, which is a 3rd degree felony charge, and possession/distribution within 500 feet of certain public property, which is a 3rd degree felony charge.

¹ The appointing authority's removal letter indicates various drug related charges in November 2013. However, a review of the New Jersey Automated Complaint System Complaint Summary that the appointing authority submits in response to the appeal indicates that the appellant was arrested in November 2018 for these charges.

On appeal, the appellant presents that this is his second application because he had been placed on an inactive list because he had an open petty disorderly persons offense that had not been settled, but has now been dismissed, and a motor vehicle violation ticket for an address where he never lived and never received the ticket. He states that he previously submitted his motor vehicle driver's abstract and criminal record to prove that these matters were taken care of and this is how he was reinstated and taken off the inactive list so that he could progress forward with this second application. Regarding the missing residential addresses, the appellant asserts that he did not intentionally omit the one of the addresses on his application. He explains that his family was unstable at that time, and moved around a lot, and this address slipped his mind. Concerning the other address, he explains that he had signed a lease with an ex-girlfriend, his residency at that address was no longer than four months due to the relationship ending, and therefore, he failed to recall this address. Referring to missed employers, the appellant indicates he does not know who WAG Employee Services and SPS Holding Company are, he unintentionally omitted his employment with Trenton and notes that it was on his first application, and his employment with ACORN was a two-week employment working on a political campaign where he was paid cash for handing out flyers and signs and he did not intentionally omit it. Regarding charges and local ordinance violations, he states that he provided his criminal record abstract with his first application and his June 2001 shoplifting charge was not there. The appellant states that he was 14 years old at the time and has no recollection of it. He presents that he indicated on his application that he had a criminal matter that was dismissed by the Superior Court. The appellant emphasizes that he did not intentionally falsify his application.

In reply, the appointing authority presents that the appellant acknowledges that he forgot certain addresses because his family moved around a lot and he forgot about his employment with Trenton and ACORN. Regarding the employers that he omitted, it asserts that the Mainframe Claim and Wage Record System proves that appellant was employed by WAG Employee Services and SPS Holding Company. Concerning criminal offenses, the appellant only indicated on his application that there was a criminal matter that was handled in 2020 with no details regarding this charge. Further, he was charged with offenses in 2001, 2007, 2008, and 2013. Also, it states that there is no indication on his application as to what charge was dismissed by the Superior Court.

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.

Further, 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 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.

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 record indicates that the appellant failed to disclose all residences, all employers and all charges and/or local violations on his application as asked. Initially, it is noted that candidates are held accountable for the accuracy of the information submitted and any failure to include information was at his peril. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Concerning statements that the appellant previously supplied information on a prior application, it is noted that candidates are responsible for completely and accurately providing information for each application and cannot rely on submissions from a prior application.

Further, it also noted that the appellant's 2018 drug-related charges were serious charges, and he has offered no explanation as to why he did not fully disclose these charges. Additionally, a review of the appellant's application indicates that he received a February 2020 petty disorderly persons offense from Hamilton Township that was dismissed and an unnamed "criminal matter"² violation in January 2019 from Trenton that was dismissed.³ Therefore, even if there was no intent to deceive, in light of the appellant's continuous negative interactions with the law, from his

² It is also noted that simply stating that you received a "criminal matter" violation without providing sufficient details is also grounds for removal under falsification of application.

³ The appellant's application indicates that the May 2010 and March 2020 criminal matters were either expunged or he was accepted into a Pre-Trial Intervention or Conditional Discharge Program. He did not provide any details on his application or appeal. Regardless, expunged records or records that were dismissed after completing a PTI or Conditional Discharge Program can be the basis for removal. *See N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4; *Grill and Walsh v. City of Newark Police Department*, Docket No. A-6224-98T3 (App. Div. January 30, 2001); *In the Matter of Christopher J. Ritoch* (MSB, decided July 27, 1993).

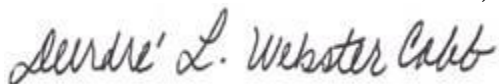
juvenile charge in 2001⁴ to charges that were near or after the January 31, 2019 closing date, the appellant's failure to disclose and completely describe all charges was material. At minimum, the appointing authority needed this information to have a complete understanding of his background to properly evaluate his candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Additionally, these continuous negative interactions with the law also indicate that the appellant could be removed for an unsatisfactory 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. In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correctional Police Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). *See also In re Phillips*, 117 *N.J.* 567 (1990). The public expects Correctional Police Officer to present a personal background that exhibits respect for the law and rules. Accordingly, the Commission finds that the appellant's removal from the list was proper for all the reasons set forth above, and the appellant failed to meet his burden of proof.

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 16TH DAY OF FEBRUARY, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

⁴ The appellant states that he has no recollection of the June 2001 shoplifting charge which took place when he was 14. However, he has provided no evidence that this incident never occurred, and juvenile arrests may be the basis for removal. *See N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4.

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