



STATE OF NEW JERSEY

In the Matter of Amy L. Mihalik,
Principal Claims Reviewer (P3916K),
Department of Human Services

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

CSC Docket No. 2021-1975

Examination Appeal

ISSUED: MARCH 4, 2022 (BS)

Amy L. Mihalik appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the promotional examination for Principal Claims Reviewer (P3916K), Department of Human Services.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of April 22, 2013. Specifically, all applicants had to possess a Bachelor's degree from an accredited college or university plus three years of experience in the evaluation and/or verification and eligibility determination of applications for financial or medical assistance, benefits or other health or human services programs, or in credit investigations for recovery of funds. Applicants who did not possess the required education could substitute experience as indicated above on a year-for-year basis.

The appellant filed an application on which she indicated that she possessed 45 college credits which prorated to one year and six months of experience. This meant that the appellant would need a total of two years and six months of the experience stipulated to satisfy the subject requirements per the substitution clause for education. The appellant indicated that she possessed experience as a provisional Principal Claims Reviewer (10/16 to the closing date), Technical Assistant 1 and 2, Community Affairs (9/09 to 9/16), and some unrelated clerical and private sector experience. Agency Services concluded that, as of the closing date, the appellant only

possessed five years and six months of applicable experience (45 college credits plus experience as a provisional Principal Claims Reviewer). None of the remaining positions listed on her application involved responsibilities in the required areas. As a result, Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. The appellant claims to have gained appropriate experience while serving as a Technical Assistant 1 and 2, Community Affairs.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant only possessed five years and six months of applicable experience (45 college credits plus experience as a provisional Principal Claims Reviewer). The appellant needed a total of three years of experience as of the closing date to satisfy the subject requirements per the substitution clause for education. Although on appeal the appellant claims to have performed appropriate duties while serving as a Technical Assistant 1 and 2, Community Affairs, the duties performed by incumbents in these titles do not rise to the level and scope of those required of the subject position. Further, any responsibilities in the required areas the appellant may have assumed while serving as a Technical Assistant 1 and 2, Community Affairs would be considered out-of-title work which generally cannot be accepted as qualifying experience for promotional examinations announced with open-competitive requirements. Therefore, she was correctly deemed ineligible for the subject promotional examination.

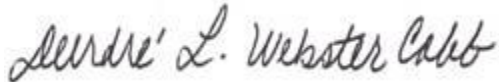
However, in the instant matter, the Commission notes that the appellant continues to successfully serve as a provisional Principal Claims Reviewer, giving her in excess of the one year and six months of experience she lacks per the substitution clause for education, the subject promotional examination has been cancelled due to a lack of qualified applicants, and no other promotional examination for this title has been announced. Therefore, this is not a competitive situation. Under these circumstances, the Civil Service Commission accepts the appellant's experience gained after the closing date as a provisional Principal Claims Reviewer, for eligibility purposes only, which will allow her the opportunity to be tested and be considered for a permanent appointment to the subject title.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed.

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 2ND DAY OF MARCH, 2022



Deirdré 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: Amy L. Mihalik
Valerie Bayless
Division of Agency Services
Records Center