



STATE OF NEW JERSEY

In the Matter of Veronica Hunt,
 Family Service Specialist 1
 (PS8306K), Department of Children
 and Families

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

CSC Docket No. 2023-456

Examination Appeal

ISSUED: December 7, 2022 (HS)

Veronica Hunt appeals the determination of the Division of Agency Services (Agency Services), which deemed her ineligible for the promotional examination for Family Service Specialist 1 (PS8306K), Department of Children and Families, on the basis that she had indicated, but not established, veterans preference and did not pay the application fee in full.

As background, in 2018, the appellant applied for the examinations for Family Service Specialist 1 (PS4824K) and Supervising Family Service Specialist 2 (PS4837K). The announcements required, among other things, payment of a \$25.00 application processing fee, but a reduced fee of \$15.00 applied to those who had previously established veterans preference with the New Jersey Department of Military and Veterans Affairs (DMAVA) as defined by *N.J.S.A. 11A:5-1, et seq.* Specifically, the following information appeared on the announcements:

In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with [DMAVA] (as defined by *N.J.S.A. 11A:5-1 et seq.*). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. Please note this reduced fee does not apply to Public Safety titles.

The appellant claimed veterans preference on her applications and paid the reduced fee. However, she had not actually established such preference. Therefore, in notices dated November 27, 2018, Agency Services deemed the appellant ineligible for both examinations since she had not paid the full fee required. The appellant did not appeal those ineligibilities.

The announcement for the subject examination issued on April 1, 2022 with a closing date of April 21, 2022. The announcement again required, among other things, payment of a \$25.00 application processing fee, but a reduced fee of \$15.00 applied to those who had previously established veterans preference with DMAVA as defined by *N.J.S.A. 11A:5-1, et seq.* The following information again appeared on the announcement:

In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with [DMAVA] (as defined by *N.J.S.A. 11A:5-1 et seq.*). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. Please note this reduced fee does not apply to Public Safety titles.

The appellant again claimed veterans preference on her application, submitted April 21, 2022 at 3:20 p.m., and paid the reduced fee. However, she had still not actually established such preference. Therefore, in a notice dated April 29, 2022, Agency Services deemed the appellant ineligible since she had not paid the full fee required. It is noted that the appellant omitted her street suffix and one letter from her city when providing her contact information on her application.¹ One thousand twenty-three candidates were admitted to the examination.

In her appeal, filed August 22, 2022, the appellant maintains that she never received the April 29, 2022 ineligibility notice. On the merits, the appellant states that she is a federal veteran with 26 years of military service. She states that she was denied eligibility for the PS4824K and PS4837K examinations “due to non filing for veteran preference.” The appellant states that she was in the process of filing for Civil Service veterans preference during the time she was applying for the subject examination. The appellant recounts that during the process of filing for Civil Service veterans preference, she made contact with a veterans affairs liaison for guidance after gathering her military paperwork. The appellant maintains that it was not until April 21, 2022, after she had already submitted her application, that she learned from the liaison that she does not qualify for Civil Service veterans preference. She

¹ The appellant is advised that an official change of address form is available for her use through this agency’s website.

also claims that the liaison advised her that she would be permitted to make a supplemental fee payment and provides a \$10 check for that purpose.

CONCLUSION

N.J.A.C. 4A:4-2.17 provides, in pertinent part, that unless the fee is reduced because the applicant is a veteran, a \$25.00 processing fee shall be charged for each promotional examination application and that applications received without a fee shall not be processed.

Initially, the record reflects that the appellant did not file the instant appeal until August 22, 2022, nearly four months after the April 29, 2022 date of the ineligibility notice and the April 21, 2022 telephone conversation that informed her she was not a veteran and had not submitted the correct examination fee. As such, this appeal was not timely filed. *See N.J.A.C.* 4A:2-1.1.

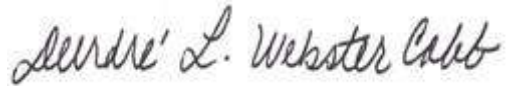
Even assuming the appeal had been timely filed, there would still be no basis for relief. In this regard, the Civil Service Commission (Commission) cannot in this case accept the appellant's asserted defense that she is a federal veteran with 26 years of military service and it was not until after she had submitted her application on April 21, 2022 that she learned that she does not qualify for Civil Service veterans preference. The appellant had already been deemed ineligible twice in 2018 on the basis that she had indicated, but not established, veterans preference and had not paid the application fee in full. On receipt of those ineligibility notices, the appellant was effectively on notice that her status as a federal veteran, in and of itself, did not qualify her for Civil Service veterans preference and the reduced fee. The appellant then had ample opportunity, well before applying for the subject examination, to conduct a reasonable inquiry into whether she was entitled to claim veterans preference and pay the reduced fee so that she could make an accurate selection on the application. Instead, she inexplicably again selected veterans preference on her application for the subject examination while apparently still *in the process of* filing for Civil Service veterans preference with DMAVA and not having received DMAVA's approval. Under these particular circumstances, the appellant's selection of veterans preference and payment of the reduced application fee is not excusable, and the Commission declines to afford relief. To the extent the appellant may have been advised that she would be permitted to make a supplemental fee payment, such advice is not binding here as the Commission has clear authority to adjudicate the instant eligibility appeal upon its own review of the matter. *See N.J.S.A.* 11A:2-6b, *N.J.S.A.* 11A:4-1e, and *N.J.A.C.* 4A:4-6.6(b).

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that the appellant's check be returned to her.

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 7TH DAY OF DECEMBER, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Veronica Hunt
Linda Dobron
Division of Agency Services
Records Center