

STATE OF NEW JERSEY

In the Matter of Christian Hernandez, Fire Fighter (M1809W), Camden

CSC Docket No. 2023-981

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

List Removal

ISSUED: February 1, 2023 (RE)

Christian Hernandez appeals the removal of his name on the certification for Fire Fighter (OL220391) for failure to appear for the Physical Performance Test (PPT) portion of the examination for Fire Fighter (M1809W), Camden.

:

By way of background, the eligible list for Fire Fighter (M1809W), Camden, was promulgated on March 29, 2019 and expires on March 28, 2023. The OL220391 certification, dated April 5, 2022, contained 40 names and was disposed on October 27, 2022. The appellant was removed from the certification for failure to show for the PPT. Nonetheless, the appellant was admitted to the examination, and had taken and passed the PPT on August 16, 2022.

CONCLUSION

N.J.A.C. 4A:4-3.4(a) provides that the Civil Service Commission (Commission) may revive an expired eligible list to implement a court order in a suit filed prior to the expiration of the list; to implement an order of the Commission in an appeal or proceeding instituted during the life of the list; to correct an administrative error; to effect the appointment of an eligible whose working test period was terminated by a layoff; or other good cause.

In the instant matter, the central issue involves an apparent administrative error in removing the appellant's name from the certification. The appellant was removed for failure to appear for the PPT, when in fact, he had done so and passed. Due to these unique circumstances, the appellant's name shall be restored to the eligible list for Fire Fighter (M1809W), Camden, and should that list not be certified

prior to its expiration date, it should be revived at the time of the next certification of the subsequent list allow his name to be considered for prospective appointment.

ORDER

Therefore, it is ordered that Christian Hernandez's name be restored to the eligible list for Fire Fighter (M1809W) Camden. If there is no certification of that list prior to its expiration on March 28, 2023, that list shall be revived at the time of the next certification of the subsequent list to allow the appellant to be considered for prospective appointment.

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 FEBRUARY, 2023

Allison Chris Myers

allison Chin Myers

Acting 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: Christian Hernandez Timothy Cunningham Division of Human Resource Information Services Records Center