



STATE OF NEW JERSEY

In the Matter of D.E.M., Fire Fighter
(M1809W), City of Camden

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-1344

Request for Reconsideration

ISSUED: March 15, 2023 (BS)

D.E.M. requests reconsideration of the final decision of the Civil Service Commission (Commission), rendered on November 2, 2022, which upheld the removal of his name from the eligible list for Fire Fighter (M1809W), City of Camden, on the basis of psychological unfitness to perform effectively the duties of the position.

In his request for reconsideration, the petitioner disagrees with the Report and Recommendation of the Medical Review Panel (Panel) and the Commission’s affirmation of the Panel’s findings and conclusions. He indicates that he has retained legal counsel and “would like to challenge this decision made by the [Panel].” It is noted that, by letter dated December 23, 2022, the petitioner was afforded with an opportunity to supplement the record to support his request for reconsideration.¹ However, the petitioner did not submit any further information. Moreover, a letter of representation by an attorney was never received.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

¹ The appointing authority was also provided with an opportunity to respond to the petitioner’s request for reconsideration, but it did not do so.

In the instant matter, the Commission finds that the petitioner, although afforded an opportunity to do so, has submitted no arguments or proofs to support his request for reconsideration. Thus, the petitioner has failed to satisfy his burden of proof in this matter. In that regard, after consideration of all of the relevant issues in this matter, the Commission finds that the petitioner has not demonstrated that an error has occurred or presented any new evidence or additional information that would change the original outcome of his appeal. Therefore, the Commission finds no grounds on which to grant reconsideration of its prior decision. Accordingly, no basis exists to restore the petitioner's name to the subject eligible list.

ORDER

Therefore, it is ordered that this request for reconsideration 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 15TH DAY OF MARCH, 2023



Allison Chris 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: D.E.M.
Timothy Cunningham, Esq.
Division of Human Resource Information Services