



**STATE OF NEW JERSEY**

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

In the Matter of Kenneth Granger,  
Sheriff's Officer (S9999A), Atlantic  
County Sheriff's Office

CSC Docket No. 2023-773

List Removal Appeal

**ISSUED: March 29, 2023 (VJ)**

Kenneth Granger appeals the removal of his name from the eligible list for Sheriff's Officer (S9999A), Atlantic County Sheriff's Office, on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open competitive examination for Sheriff's Officer (S9999A), which had a closing date of August 31, 2019. The resulting eligible list promulgated on May 15, 2020 and expired on November 9, 2022. The appellant's name was certified to the appointing authority on April 12, 2022, with a notice date of April 20, 2022. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that he failed to respond to the certification notice.

On appeal, the appellant states that he received a previous certification in January 2022 and responded with a letter of interest. However, he claims that he did not receive the certification notice dated April 20, 2022 (OL220432) and requests that his name be reinstated to the subject eligible list.

In response, the appointing authority states that the appellant's name was removed because he did not respond to the certification and it never received a letter of interest from him. However, it does not object to his name being restored to the subject eligible list.

## CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification." *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 the appointing authority's decision to remove his name from an eligible list was in error. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation. Additionally, *N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause.

In the instant matter, the appellant claims that he did not receive the certification notice, but he had responded to a previous certification. The appointing authority has no objection to restoring the appellant's name to the subject eligible list. Therefore, based on the foregoing, ample cause exists to revive the eligible list for Sheriff's Officer (S9999A), Atlantic County Sheriff's Office, in order to restore the appellant's name for prospective employment opportunities only.

## ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Sheriff's Officer (S9999A), Atlantic County Sheriff's Office, be revived in order for the appellant to be considered at the time of the next certification for prospective employment opportunities.

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 29<sup>TH</sup> DAY OF MARCH, 2023



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