



STATE OF NEW JERSEY

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| In the Matter of Maria McAllister,<br>Family Service Specialist 1<br>(PS5386K), Department of Children<br>and Families | : | <b>FINAL ADMINISTRATIVE ACTION<br/>OF THE<br/>CIVIL SERVICE COMMISSION</b> |
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| CSC Docket No. 2023-1124   | : | List Removal Appeal  |
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**ISSUED: March 29, 2023 (VJ)**

Maria McAllister appeals the removal of her name from the eligible list for Family Service Specialist 1 (PS5386K), Department of Children and Families, on the basis that she failed to respond to the certification notice.

The appellant took and passed the promotional examination for Family Service Specialist 1 (PS5386K), which had a closing date of October 22, 2018. The resulting eligible list promulgated on August 8, 2019 and expired on January 24, 2023. The appellant's name was certified to the appointing authority on December 6, 2021, with a notice date of December 13, 2021. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that she failed to respond to the certification notice.

On appeal, the appellant states that the certification notice was sent to her previous address, and therefore, she did not receive the notification. Upon review of the record, the appellant submitted a change of address to this agency on November 2, 2021, but her address was not updated until January 5, 2023.

In response, the appointing authority states that the appellant's name was removed because she did not respond to the certification and that it was her responsibility to keep a current address on file with this agency. Therefore, her name was removed from the eligible list as per the certification removal procedures. Regardless, the appointing authority indicates that it supports the restoration of the appellant's name to the 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 her 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 she did not receive the certification notice due to it being mailed to her previous address. The appellant timely updated her address prior to the issuance of the certification, but this agency did not update her address until well after the 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 Family Service Specialist 1 (PS5386K), Department of Children and Families, 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 Family Service Specialist 1 (PS5386K), Department of Children and Families, 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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