

her new address. The appellant notes that she submitted her address on October 26, 2022, the date of her instant appeal.

In response, the appointing authority states that Bartee'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. However, it is noted that it did not object to the appellant's name being restored for future certifications only.

Agency records indicate that the appellant submitted a change of address on October 26, 2022, and her address was updated, effective January 25, 2023. Agency records also reveal that no certifications were issued to the appointing authority for any location the appellant had indicated interest in, after she submitted her change of address to this agency on October 26, 2022.

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 an appointing authority's decision to remove his name from an eligible list was in error. *N.J.A.C.* 4A:4-3.2(e) provides that it shall be the responsibility of an eligible to keep a current address on file with the Civil Service Commission.

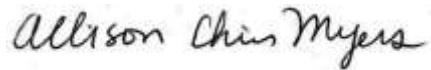
Although the appointing authority indicated it did not object to the restoration of Bartee's name to the subject eligible list for future certifications only, the subject eligible list expired on January 24, 2023. As noted above, *N.J.A.C.* 4A:4-3.2(e) provides that it was the responsibility of the appellant to timely update her mailing address with this agency. However, although it appears that the appellant moved before the certification notices were mailed, she did not update her address until five months after the PS220443 certification was issued. Moreover, agency records indicate that no certifications were issued to any location the appellant had indicated an interest in between October 26, 2022, the date the appellant submitted her change of address, and January 24, 2023, the expiration of the subject eligible list. Accordingly, even if she had been restored to the list, she would not have missed any subsequent employment opportunities. Therefore, the appellant has not met her burden of proof in this matter and her name was properly removed from the subject eligible list.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 24TH DAY OF MAY, 2023



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