



**STATE OF NEW JERSEY**

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

In the Matter of Kely Nunfio  
Police Officer (S9999A), Jersey City

List Removal Appeal

CSC Docket No. 2023-1117

**ISSUED: May 24, 2023 (SDW)**

Kely Nunfio appeals the removal of his name from the eligible list for Police Officer (S9999A), Jersey City 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 Police Officer (S9999A), which had a closing date of August 31, 2019. The resulting eligible list promulgated May 15, 2020 and expired on November 9, 2022.<sup>1</sup> The appellant’s name was certified to the appointing authority on February 16, 2022, with a notice date of February 24, 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.

In support of his appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that he did not receive the February 16, 2022 certification notice.

**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

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<sup>1</sup> Agency records indicate that the subject eligible list was extended until the new list for Police Officer promulgated on November 10, 2022.

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.


The appointing authority requested the removal of the appellant's name from the eligible list for Police Officer (S9999A) on the basis of her failure to respond to the February 16, 2022 certification notice. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that he did not receive the certification notice. Where there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting his sworn, notarized statement. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 N.J. 614 (1996); *Szczesny v. Vasquez*, 71 N.J. Super. 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Thus, it is appropriate that his name be restored to the subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Police Officer (S9999A), Jersey City, be revived in order for appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

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 24<sup>TH</sup> DAY OF MAY, 2023




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Chairperson  
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