



STATE OF NEW JERSEY

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

In the Matter of Michael Andrews
Family Service Specialist 1
(PS5386K), Department of Children
and Families

List Removal Appeal

CSC Docket No. 2023-1273

ISSUED: June 7, 2023 (SDW)

Michael Andrews appeals the removal of his name from the eligible list for Family Service Specialist 1 (PS5386K), Department of Children and Families on the basis that he failed to respond to the certification notice.

The appellant, a non-veteran, 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 August 8, 2019 and expired on January 24, 2023.¹ The appellant's name was certified to the appointing authority on June 30, 2022 with a notice date of July 7, 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. Certification notices instruct individuals to write to the appointing authority within five business days of the notice date to let it know whether the individual was interested in the position.

In support of his appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that he received the subject certification notice after the five-day allotted time to respond. Therefore, he assumed that it was too late for him to respond, so he did not respond.

¹ Agency records indicate that the subject eligible list was extended until the new list for Family Service Specialist 1 (PS8575K), promulgated on February 2, 2023.

CONCLUSION

In response, the appointing authority indicates that it does not object to the restoration of his name to the subject eligible list, as long as the list is still active.

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.

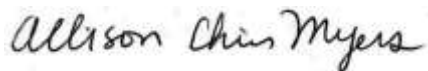
The appointing authority requested the removal of the appellant's name from the eligible list for Family Service Specialist 1 (PS5386K) on the basis of his failure to respond to the June 30, 2022 certification notice. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that when he received the certification notice, it was already past the five-day allotted time to respond. Therefore, he assumed that it was too late for him to respond, so he did not respond. Additionally, the appointing authority does not generally object to his restoration to the list. Under these circumstances, 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 Family Service Specialist 1 (PS5386K), Department of Children and Families, be revived in order for the 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 7TH DAY OF JUNE, 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: Michael Andrews
Linda Dobron
Division of Human Resource Information Services
Records Center