



**STATE OF NEW JERSEY**

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

In the Matter of Kiyana Williams  
Human Services Specialist 1  
(C0542A), Mercer County Board of  
Social Services

List Removal Appeal

CSC Docket No. 2023-1510

**ISSUED: June 7, 2023 (SDW)**

Kiyana Williams appeals the removal of her name from the eligible list for Human Services Specialist 1 (C0542A), Mercer County Board of Social Services on the basis that she failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open-competitive examination for Human Service Specialist 1 (C0542A), which had a closing date of June 21, 2019. The resulting eligible list promulgated November 7, 2019 and expired on November 6, 2022. The appellant’s name was certified to the appointing authority on September 22, 2022, with a notice date of September 29, 2022. 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. 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 her appeal to the Civil Service Commission, the appellant submits a sworn, notarized statement indicating that she did receive the September 22, 2022 certification notice, and mailed her response within the five-day allotted time.

**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.

The appointing authority requested the removal of the appellant's name from the eligible list for Human Services Specialist 1 (C0542A) on the basis of her failure to respond to the September 22, 2022 certification notice. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she did receive the certification notice, and claims she mailed her responds within the five-day allotted time. 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 her name be restored to the subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Human Services Specialist 1 (C0542A), Mercer County Board of Social Services, 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 7<sup>TH</sup> 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: Kiyana Williams  
Suzanne Ogborne  
Division of Human Resource Information Services  
Records Center