



STATE OF NEW JERSEY

In the Matter of Marco Santana,
Police Officer (M2353E), Millburn
Township

CSC Docket No. 2025-541

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

List Removal Appeal

ISSUED: April 30, 2025 (VJ)

Marco Santana appeals the decision of Millburn Township to remove his name from the eligible list for Police Officer (M2353E), Millburn 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 (M2353E), which had a closing date of March 31, 2023. The resulting eligible list promulgated on November 16, 2023 and expired on November 15, 2024. The appellant's name was certified to the appointing authority on February 23, 2024, with a notice date of March 1, 2024. 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 timely responded to the certification notice.

In response, the appointing authority, represented by Anthony LoBrace, Esq., states that Santana's name was removed because he did not respond to the certification. Upon further review, it found Santana's response to the notice. Based on his response, the appointing authority has no objections to his name being restored to the subject eligible 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 met 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. 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 he responded to the notification of certification in the required timeframe. In support, the appellant has submitted a sworn, notarized statement, attesting to the fact that he timely responded to the certification notice. While 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). Moreover, the appointing authority acknowledges that it did receive his timely response. Thus, it is appropriate that the appellant's name be restored to the subject eligible list for prospective employment opportunities only. Additionally, based on the foregoing, good cause exists to revive the M2353E eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Police Officer (M2353E), Millburn Township, be revived in order for the appellant to be considered for prospective employment opportunities at the time of the next certification 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 30TH DAY OF APRIL, 2025

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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