



STATE OF NEW JERSEY

In the Matter of Anthony Goffe, Fire
Fighter (M2260D), Plainfield

CSC Docket No. 2025-1713

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

List Bypass Appeal

ISSUED: June 11, 2025 (SLK)

Anthony Goffe appeals the bypass of his name on the Fire Fighter (M2260D), Plainfield, eligible list.

By way of background, the appellant appeared in the 35th rank on the subject eligible list, which promulgated on April 28, 2023, and expired on April 27, 2025. On September 13, 2023, certification OL231195 was issued containing 50 names, including the appellant. The first three ranked eligibles were appointed while the appellant, the 35th ranked eligible, was retained on the list. Thereafter, on June 14, 2024, certification OL240673 was issued containing 20 names, including the appellant. The fourth, sixth, 17th, and 18th positioned eligibles were appointed. The appellant, the 15th positioned candidate, was bypassed.

On appeal, the appellant presents that he completed his employment application (application) in March 2024; however, his background investigation, including a home visit, was not completed until September 2024. He asserts that this disadvantaged him because it was significantly later than other candidates, including lower ranked candidates who were interviewed in September 2024 while his background investigation was still pending.

Thereafter, the appellant provides that during a December 2024 appointment ceremony, the Deputy Fire Chief informed his mother that he had been removed from the subject list for allegedly falsifying his application regarding an overtime parking

ticket received in May 2024. The appellant states that the ticket was dismissed, the application specifically excluded parking tickets from needing to be disclosed on questions 84 and 90, and the ticket was issued after he submitted his application. The appellant notes that the application that was used for the prior certification (OL231195) was also used for the subject certification. Therefore, the appellant contends that given that he was not provided with an updated application to submit, it was unreasonable that he was penalized for failing to disclose an overtime parking ticket that he was not required to disclose on the application.

Additionally, the appellant believes that the hiring process was influenced by nepotism. He highlights that there were two lower ranked eligibles that were appointed on the subject certification. Further, the appellant indicates that one of the lower ranked appointees was the brother of a current department Fire Fighter, which makes him question the fairness of the process. Moreover, the appellant emphasizes that the Deputy Fire Chief was previously married to his cousin, and they are known to have a personal conflict, which he believes may have influenced the hiring decision-making.

Further, the appellant presents that he spoke with the appointing authority in March 2025 where he was advised that he was “removed” from the list because he did not include on his application his Summer Youth Employment with Plainfield, tickets that he received in December 2022, and an overtime parking ticket that was issued to him in May 2024. Regarding the overtime parking ticket, the appellant reiterates that he could not have included it on his application since it was issued after he submitted it, notes that the tickets were dismissed, and emphasizes that the application specifically excluded overtime parking tickets from disclosure.

Concerning the December 2022 tickets, the appellant indicates that he parked his vehicle in front of his girlfriend’s house, and they were sitting in the car talking. He states that the key was not in the ignition and the vehicle was not on as a Plainfield Police Officer approached asking him to provide his driver’s license, registration, and insurance. However, as the appellant believed that he did not break any laws, he states that he did not submit the documentation, and the Police Officer issued him three summonses for not providing the documents. Subsequently, the appellant presents that he explained the incident to the prosecutor and all three summonses were dismissed. The appellant acknowledges that he forgot to disclose these summonses on his application, but he asserts that this was an honest mistake as he was not trying to deceive. Additionally, he submits his application to demonstrate that he disclosed his employment with the Plainfield Summer Youth Program, and he also attaches documentation to show that the December 2022 and May 2024 tickets were dismissed.

In response, the appointing authority, represented by Kathryn V. Hatfield, Esq., states that during a March 2024 orientation session, the Deputy Fire Chief

recognized the appellant and the appellant's "cousin,"¹ A.F., Jr. Accordingly, it indicates that the Deputy Fire Chief recused herself from reviewing the appellant's and A.F., Jr.'s applications to avoid any conflicts of interest. Thereafter, a Lieutenant filed his completed background reports for each candidate in May 2024. Further, in August 2024, a different Lieutenant met with the Fire Department's chain of command to address concerns contained in the reports, which led to the second Lieutenant to further review the candidates and submit updated reports. After further review, the appointing authority presents that it was discovered that the appellant had been unemployed since November 2022 and, at best, he had a sporadic employment history. Further, the investigation revealed that the appellant was terminated from his last employment in November 2022, which was with TruGreen, due to a motor vehicle accident with a company vehicle. The appointing authority states that other than the appellant's employment with TruGreen, he had never been employed for more than six months since 2019 by any employer. Additionally, it highlights that the appellant's application indicated that he had been unemployed three times for a total of 32 months. Additionally, the appointing authority provides that the appellant failed to list his summer part-time employment with various Plainfield departments between July 2016 and August 2019 under question 39. Further, it states that even though the appellant provided a 2023 tax return that stated he collected unemployment, he failed to list any financial history under question 51. Also, the appointing authority highlights that the appellant was issued motor vehicle summonses for failing to possess a driver's license, registration, and insurance card, and he omitted this information under question 90. Therefore, the second investigating Lieutenant concluded that the appellant should have been eliminated from the hiring process for falsification and a poor employment history.

The appointing authority asserts that under the Rule of Three, it was within its discretion to bypass the appellant based on his failure to disclose required information on his application and his unstable employment record. Therefore, it argues that there is no evidence to find its decision was based on discriminatory animus, conflict of interest, or nepotism. Concerning the alleged delay regarding the appellant's background investigation, while the appellant contends that his background investigation was not initiated until September 25, 2024, the timeline indicates that the follow-up Lieutenant investigation was completed by September 17, 2024. Therefore, the appointing authority states that the appellant was not disadvantaged by an alleged delay in his investigation. Rather, his application was appropriately scrutinized in the ordinary course of the hiring process.

Further, the appointing authority denies that family relationships influenced the hiring process as it reiterates that the Deputy Fire Chief recused herself from handling the appellant's application to avoid any appearance of impropriety. It indicates that the applicant pool included multiple candidates with relatives in the department. However, the appointing authority asserts that it ensured that no

¹ The appellant states that A.F., Jr. is not his cousin as he does not know who this is.

family member interviewed or evaluated a related candidate. Also, the appointing authority highlights that the appellant's "cousin," A.F., Jr., who is a relative to the Deputy Fire Chief's former spouse, was conditionally offered employment after passing the same background investigation that the appellant failed illustrating that family relationships played no role in the hiring determinations.

In reply, the appellant states that he does not have a cousin named, A.F., Jr. Additionally, the appellant asserts that he does not believe that the Deputy Fire Chief recused herself from the process since she approached his mother during the December 2019 appointment ceremony to advise her that he was being removed because he did not put a parking ticket down on his application, and he would need to appeal. The appellant provides that the appointing authority stated during an April 2024 orientation conducted by the Police Department for the Fire Department that individuals filled out Plainfield Police Department applications. He notes that he never completed a Plainfield Police Department application. Therefore, the appellant believes that the appointing authority is confusing him with another applicant. Further, the appellant highlights that the first investigation was completed in May 2024 and the first certification was issued in June 2024. Therefore, he believes that if there was something adverse in his background, he would have been removed from the list on the first certification and not recertified to the subject certification.

Regarding the updated background report from the second Lieutenant, the appellant believes that since the first report was submitted in May 2024, there was no need for an updated background report to be completed by the second Lieutenant. Concerning his employment history, the appellant presents that he graduated from high school in 2019 and attended college from August 2019 through January 2021 while also working part-time his first year. After graduation, he indicates that he worked for TruGreen from July 2021 through November 2022, which is 16 months, even though the appointing authority states that he was never employed for more than six months since 2019. Moreover, the appellant reiterates that he did include his summer employment with Plainfield on his application. Additionally, regarding his financial history, he provides that he submitted his 2023 tax return which indicated that he collected unemployment. Further, the appellant explains that in response to question 51 asking about his income, he did not have any current income and he was not collecting unemployment, which is why he wrote zero under the monthly and annual gross income columns.

Further, concerning the tickets that were issued to him in December 2022, the appellant asserts that the Police Officer abused his authority as there was no basis for the tickets, and they were dismissed. Additionally, he reiterates that it was an honest mistake that he omitted these tickets from his application, and he was not trying to deceive. The appellant believes that even if these tickets had been presented on his application, they would not have any bearing on his candidacy because they

were dismissed. Also, he states that he provided these tickets on his application in response to question 90.

Moreover, the appellant presents that he passed the written and physical tests, and he asserts that he has never been in any trouble and has a clean background as he only associates with law-abiding citizens. He asserts that his dream to be a Fire Fighter should not be denied due to nepotism, conflict of interest, and/or cronyism. The appellant contends that the reason why he was not hired keeps changing as first the Deputy Fire Chief advised his mother that he was removed for not listing a parking ticket, even though the application excludes parking tickets. He reiterates his belief that one of the lower ranked candidates was hired because his brother is a Plainfield Fire Fighter as the appointing authority has not explained why this person was hired. The appellant believes that the appointing authority is trying to scrutinize his application to cover up its wrongdoings. He emphasizes his contention that if his background was adverse, he would have been removed from the list on the first certification. The appellant questions how the updated second background report could have been submitted on September 17, 2024, when his residency check had not yet been completed until September 25, 2024.

Concerning the appointing authority's statement about there being multiple candidates who had family relationships with members of the Fire Department, the appellant asks how many of those candidates were hired and how many candidates were removed or bypassed so these candidates could be hired. He reiterates that he does not know who A.F., Jr. is as he is not his cousin, and his belief that he was bypassed because of who he is related to. He emphasizes that all the December 2022 summonses were dismissed and his contention that this was an honest mistake that should have no bearing on his candidacy. The appellant highlights that in response to question 48 on his application, he listed his part-time employment with Plainfield and he asserts he answered question 51 correctly about his income as he did not have any income in 2024 and was not supposed to put down his 2023 unemployment in response to this question. He restates that he was a full-time college student until January 2021. The appellant believes that all the candidates should have been given a new application for the second certification just in case the candidate missed a question or forgot to write something on their application instead of using the application against the candidate. Due to alleged nepotism, corruption, and cronyism, he is requesting a hearing.

CONCLUSION

N.J.S.A. 11A:4-8, *N.J.S.A.* 11A:5-6, and *N.J.A.C.* 4A:4-4.8(a)3i ("Rule of Three") allow an appointing authority to select any of the top three interested eligibles from an open competitive list, provided that disabled veterans and then veterans shall be appointed in their order of ranking.

N.J.A.C. 4A:2-1.1(d) provides that except where a hearing is required by law, this chapter or *N.J.A.C.* 4A:8, or where the Civil Service Commission (Commission)

finds that a material and controlling dispute of fact exists that can only be resolved by a hearing, an appeal will be reviewed on a written record.

In cases of this nature where dual motives are asserted for an employer's actions, an analysis of the competing justifications to ascertain the actual reason underlying the actions is warranted. See *Jamison v. Rockaway Township Board of Education*, 242 N.J. Super. 436 (App. Div. 1990). In *Jamison*, *supra* at 445, the court outlined the burden of proof necessary to establish discriminatory or retaliatory motivation in employment matters. Specifically, the initial burden of proof in such a case rests on the complainant who must establish discrimination or retaliation by a preponderance of the evidence. Once a *prima facie* showing has been made, the burden of going forward, but not the burden of persuasion, shifts to the employer to articulate a legitimate non-discriminatory or non-retaliatory reason for the decision. If the employer produces evidence to meet its burden, the complainant may still prevail if he or she shows that the proffered reasons are pretextual or that the improper reason more likely motivated the employer. Should the employee sustain this burden, he or she has established a presumption of discriminatory or retaliatory intent. The burden of proof then shifts to the employer to prove that the adverse action would have taken place regardless of the discriminatory or retaliatory motive. In a case such as this, where the adverse action is failure to promote, the employer would then have the burden of showing, by preponderating evidence, that other candidates had better qualifications than the complainant.

Moreover, the "Rule of Three" allows an appointing authority to use discretion in making appointments. See N.J.S.A. 11A:4-8 and N.J.A.C. 4A:4-4.8(a)3ii. As long as that discretion is utilized properly, an appointing authority's decision will not be overturned. Compare, *In re Crowley*, 193 N.J. Super. 197 (App. Div. 1984) (Hearing granted for individual who alleged that bypass was due to anti-union animus); *Kiss v. Department of Community Affairs*, 171 N.J. Super. 193 (App. Div. 1979) (Individual who alleged that bypass was due to sex discrimination afforded a hearing). Additionally, an appellant has the burden of proof in these matters. See N.J.A.C. 4A:2-1.4(c).

In this matter, the record indicates that the appointing authority had legitimate business reasons to bypass the appellant's name from the list. Specifically, since the appellant graduated college, the appellant had only one steady employment, 16 months with TruGreen, where he was terminated, and he has not secured significant employment since. While the Commission need not decide whether this employment history would have been sufficient to remove his name from the subject list, this is a legitimate reason for the appointing authority to have concerns about investing in the appellant for a full-time Fire Fighter position and supports his bypass under the "Rule of Three".

Additionally, the record indicates that the appellant acknowledges that he failed to disclose three summonses related to the December 2022 incident. The Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. While the appellant argues that this was an honest mistake and there was no intent to deceive, even if there was no intent to deceive, his failure to disclose these three motor vehicle summonses was material. At minimum, the appointing authority needed this information to have a complete understanding of his background in order to properly evaluate his candidacy. See *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Further, while the Commission need not decide whether these omissions warranted removal, this is a legitimate business reasons to support his bypass under the "Rule of Three".²

Concerning the appellant's comments that he was disadvantaged by an alleged delay in the investigation of his background, and if his background was adverse, his name should have been removed on the first certification, the record indicates that he was not reachable for appointment on the first certification. Therefore, it was unnecessary for the appointing authority to spend the resources to fully investigate his background at that point. However, as the appellant was potentially reachable for appointment on the subject certification, the appointing authority gave his candidacy greater scrutiny at that point. Moreover, he was not disadvantaged because it was appropriate for the appointing authority to fully review his background.

Referring to the appellant's claim that the reason for his bypass kept changing, until the appellant appealed his bypass, the appointing authority was not required to provide a reason for his bypass. Further, regardless of what may have been previously communicated to the appellant and/or his mother, and even if the appellant's arguments concerning the overtime ticket, his summer employment with Plainfield, and his disclosure of financial information are accepted, the appointing authority has provided other legitimate business reasons for his bypass, namely his lack of consistent and successful full-time employment since college and his omission of the December 2022 summonses. It is also noted that there is no requirement under Civil Service law and rules that an appointing authority provides candidates with an

² Throughout the appeal, the appellant acknowledges that he omitted the summonses related to the December 2022 incident. Then, at one point, he states that he disclosed information in response to question 90. It is unclear if he referring to the December 2022 summonses or other information. However, even if the appellant did disclose the three summonses in question somewhere on his application, the appellant's employment history alone, as stated above, provided a legitimate business reason for his bypass.

opportunity to submit a second application so that they can correct any omissions or mistakes on their original application as candidates are responsible for the accuracy of their application. Moreover, if a candidate has a legal encounter after submitting their application, if the encounter was the type that was sought on the application, the candidate has an obligation to inform the appointing authority about the encounter even if not prompted by the appointing authority.³

Additionally, concerning the appellant's claim that he was not hired due to conflicts of interest, nepotism, and cronyism, the record indicates that he was bypassed due to legitimate business reasons. Furthermore, the appointing authority explained that the Deputy Fire Chief recused herself from reviewing the appellant's candidacy and it is mere speculation, without evidence, that the appellant's familial relationship played any role in his bypass. Regardless, this is of no moment as the appointing authority has presented a legitimate basis for the bypass.

Finally, there is no need for a hearing as there are no disputed material facts. The appellant does not dispute that he was terminated from TruGreen due to a motor vehicle accident with a company car nor does he dispute his lack of steady employment since his firing. Additionally, the appellant acknowledges that he did not disclose the December 2022 summonses on his application. Therefore, the record indicates that the appointing authority has legitimate business reasons to bypass the appellant on the subject certification.

ORDER

Therefore, it is ordered that this appeal be denied.

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 11TH DAY OF JUNE, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

³ In this case, the appellant claims that the application did not require the disclosure of parking tickets. As the parties did not submit the actual application, it is unclear if that is accurate. Assuming it is, then the appellant did not need to disclose parking tickets that occurred after he submitted his application.

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