



STATE OF NEW JERSEY

In the Matter of Allen Masis, Fire
Fighter (M2249D), New Brunswick

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

CSC Docket No. 2025-2720

Bypass Appeal

ISSUED: January 21, 2026 (HS)

Allen Masis, represented by Robert K. Chewning, Esq., appeals the bypass of his name on the Fire Fighter (M2249D), New Brunswick eligible list.

The appellant appeared as the 18th ranked non-veteran eligible on the subject eligible list, which promulgated on April 28, 2023 and expired on April 27, 2025. A certification, consisting of the names of 25 eligibles, was issued on November 27, 2024 (OL241373) with the appellant listed in the 18th position. In disposing of the certification, the appointing authority, in pertinent part, bypassed the appellant and appointed, effective May 27, 2025, the 20th and 25th listed non-veteran eligibles. Any veteran on the certification was either appointed or removed.

On appeal to the Civil Service Commission (Commission), the appellant seeks a formal review of the appointing authority’s decision to bypass him.

In response, the appointing authority, represented by Kathryn V. Hatfield, Esq., maintains that it properly utilized its discretion to bypass the appellant. Specifically, the appellant reported an inconsistent employment history as follows. At the first interview on March 28, 2025, the appellant reported he was actively employed at Chase Bank. At the formal interview on April 30, 2025, he claimed to have resigned from Chase Bank on February 28, 2025 to pursue a fire service career. This contradiction on separation dates suggested inconsistencies in reporting personal employment history, further impacting the fire department’s confidence in the applicant’s reliability. In addition, the department had concerns with the

appellant's financial irregularities, which impacted on his judgment. In this regard, the appellant admitted to possessing a substandard credit score due to credit card debt and excessive travel-related expenditures. The appointing authority indicates that while this was not disqualifying on its own, the financial instability combined with the other integrity concerns raised doubts about the appellant's overall judgment and responsibility.

In reply, the appellant provides a copy of his resignation letter, which states:

I am writing to formally announce my resignation from my position at Chase, effective February 28th 2025.

Working at Chase has been an invaluable experience, and I am grateful for the opportunities to grow professionally, collaborate with talented colleagues, and contribute to the organization's goals. The support and guidance I have received from you and the team have made my time here truly rewarding.

This decision was not an easy one, but after careful consideration, I believe it is the right step for my career and personal development. I will do everything I can to ensure a smooth transition.

Thank you once again for the trust and opportunities you have extended to me during my time at Chase. I hope to stay in touch, and I look forward to crossing paths in the future. Please let me know if there is anything further I can do during my remaining time here.

The appellant certifies his last day of work was indeed February 28, 2025. The appellant certifies that he decided to resign so that he was readily available for all that was required of him during the appointing authority's hiring process. However, the appellant remained on Chase's payroll as an employee until the pay cycle ending on April 12, 2025 to receive the remainder of his compensation. In this regard, the appellant provides a copy of his pay stub for the March 30, 2025 – April 12, 2025 pay cycle, which indicates he received the net amount of \$180.19 in "Wellness Rewards" with a pay day of April 18, 2025. The appellant certifies that during the first interview, he was asked, "[H]ow long have you been with Chase?" and he responded, "about four years." The appellant denies that he was asked whether he was actively employed at Chase or that he stated he was actively employed.

With respect to his credit history, the appellant certifies that his credit card debt was approximately \$23,000 at the time of the interviews, and he admittedly explained that this was due in large part to travel-related expenses. However, the debt was not due solely to travel related expenses as it included essential-need expenses such as transportation, food, insurance, and car payments. The appellant

certifies he also explained that, while he never missed or was late in making a credit card payment, he entered into a debt settlement payment plan to pay off the debt in full. As of today, due to his routine payments under the plan, his credit card debt has been reduced to approximately \$17,000 with his credit score increasing from 609 to 628.

The appellant argues that the appointing authority failed to establish a legitimate reason for the bypass, and its “attempts to fabricate statements” made by him during the interviews amounts to improper and bad faith actions against him. The appellant insists that he accurately reported the status of his employment with Chase. The appellant argues that even if he was inconsistent (which he vehemently disputes), this should not be deemed a legitimate reason for the bypass. Rather, he contends, it amounts to a “technicality” of when he resigned compared to when he was removed as an employee on Chase’s payroll system. With respect to credit history, the appellant argues that the appointing authority fails to point to how his financial status would negatively impact his ability to perform his duties as a Fire Fighter.

In the alternative, the appellant requests a hearing.

In reply, the appointing authority argues that the appellant’s statement that he resigned from Chase on February 28, 2025, a month before his first interview, so that he was readily available for all that was required during the hiring process is “incredible.” First, the appellant had not even been interviewed for the Fire Fighter position at the time of his resignation. Second, the fact that the appellant would resign gainful employment and a consistent paycheck in the face of significant financial debt shows incredibly poor judgment. The appointing authority contends that the only conclusion that can be drawn from the appellant’s certification is that he was untruthful about his employment during the interviews – “whether by omission or commission.” Truthfulness and candor are essential qualities for a Fire Fighter, a position that demands integrity, accountability, and the public’s trust. The appointing authority insists that the appellant’s failure to be forthright during the interview raises significant concerns about judgment and credibility. It avers that under *N.J.A.C.* 4A:4-6.1, an appointing authority may bypass a candidate on a certification where the candidate is found to be unsuitable or where there are legitimate merit-based reasons for non-selection. The appointing authority also argues that no hearing is needed to resolve this matter.

CONCLUSION

Initially, bypass appeals are treated as reviews of the written record. *See N.J.S.A.* 11A:2-6b. Hearings are granted in those limited instances where the Commission determines that a material and controlling dispute of fact exists that can only be resolved through a hearing. *See N.J.A.C.* 4A:2-1.1(d). For the reasons

explained below, no material issue of disputed fact has been presented that would require a hearing. *See Belleville v. Department of Civil Service*, 155 N.J. Super. 517 (App. Div. 1978).

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 allow an appointing authority to select any of the top three interested eligibles on an open competitive list, provided that no veterans are on the list. Moreover, it is noted that the appellant has the burden of proof in this matter. *See N.J.A.C. 4A:2-1.4(c)*.

Since all veterans on the certification were either appointed or removed, it was within the appointing authority's discretion to select any of the top three interested eligibles on the certification for each vacancy. An appointing authority has the discretion to dispose of a certification within the guidelines of Title 11A of the New Jersey Statutes Annotated and Title 4A of the New Jersey Administrative Code. This discretion includes utilizing each candidate's history and qualifications to determine the best candidate from a list of three eligibles, any of whom may be selected under N.J.A.C. 4A:4-4.8(a)3. It is also within an appointing authority's discretion to interview candidates and base its hiring decisions on the interview. *See e.g., In the Matter of Angel Jimenez* (CSC, decided April 29, 2009); *In the Matter of Abbas J. Bashiti* (CSC, decided September 24, 2008); *In the Matter of Paul H. Conover* (MSB, decided February 25, 2004); *In the Matter of Janet Potocki* (MSB, decided January 28, 2004). So long as the hiring decision complies with N.J.A.C. 4A:4-4.8(a)3, the Commission cannot find that the interview was conducted inappropriately. The appointing authority justifies its decision to bypass the appellant based on how he addressed his employment status with Chase in the interviews and his credit history. As discussed below, each reason was legitimate.

With respect to the interviews, the appointing authority insists the appellant was untruthful about his employment during the interviews. The appellant certifies that during the first interview on March 28, 2025, he was asked, "[H]ow long have you been with Chase?" and he responded, "about four years." Even assuming this was the exchange, the appellant's answer was inaccurate as he had, by that time, already resigned and worked his last day. His reliance on his receipt of \$180.19 in "Wellness Rewards" is unavailing as his interview answer still omitted material information about his employment history. Further, his resignation letter clearly indicated February 28, 2025 as his resignation date and referred to "[his] remaining time here." The appellant's answer lacked candor. Additionally, it is questionable that the appellant would resign his employment for the stated reason of being readily available for the Fire Fighter hiring process when he had not yet been interviewed by the appointing authority and in the face of his debt.

The appointing authority indicates that the appellant's credit history was not disqualifying on its own, but this issue, when combined with the other integrity concerns, raised doubts about the appellant's overall judgment and responsibility.

This assessment was not an abuse of discretion. Fire Fighters hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the image of utmost confidence and trust. *See N.J.S.A. 40A:14-9.* The appellant here had apparently accumulated approximately \$23,000 in credit card debt due largely to travel. This, combined with the other issues of concern, appropriately raised concerns over the appellant's judgment.

Additionally, even assuming, *arguendo*, that the appellant is more qualified for the position at issue, the appointing authority still has selection discretion under the "Rule of Three" to appoint a lower-ranked eligible absent any *unlawful* motive. *See N.J.A.C. 4A:4-4.8(a)3; In the Matter of Nicholas R. Foglio, Fire Fighter (M2246D), Ocean City, 207 N.J. 38, 49 (2011). 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).* Moreover, the appellant does not possess a vested property interest in the position. In this regard, the only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. *See Nunan v. Department of Personnel, 244 N.J. Super. 494 (App. Div. 1990).* The appellant has not presented any substantive evidence regarding his bypass that would lead the Commission to conclude that the bypass was improper or an abuse of the appointing authority's discretion under the "Rule of Three." Moreover, the appointing authority presented legitimate reasons for the appellant's bypass that have not been persuasively refuted. Accordingly, a review of the record indicates that the appointing authority's bypass of the appellant's name was proper, and the appellant has not met his burden of proof in this matter.

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 21st DAY OF JANUARY, 2026



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