

and her eyes were burning from the bad smell that came from the food. The appellant requests a “retest” because she knows the incident caused her to fail and that “she was afraid to say anything to the [monitor] because she made it very clearly at the beginning of the class we couldn’t talk as it would distract” other test takers. In a supplemental submission, that appellant asserts that the monitor never provided her with the opportunity to file an appeal at the test center during the night of the examination and that no one was available at the test center to complain about this issue after the test.

CONCLUSION

Initially, the appellant claims that she was never advised at the test center that she was required to file an appeal of the test administration before leaving the test center. *N.J.A.C. 4A:4-6.4(c)* states that an examination candidate wishing to challenge the way the examination was administered may file an appeal in writing at the examination site on the day of the examination. In order to ensure that all candidates are apprised of their rights and responsibilities, all monitors are required to follow a standardized protocol for checking the candidates in, which includes providing all candidates for examinations with an informational flyer called “Exam Review and Appeal Procedures for Multiple-Choice Examinations” at the examination center that specifically informs them that objections to the manner in which the examination was conducted must be made in writing on a form provided at the test center. In *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003), the court noted that “the obvious intent of this ‘same-day’ appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered.”

With respect to the appellant’s assertion that candidates were not permitted to use the bathroom, monitors for the STB are required to read a standardized script to the candidates before the test. With respect to restroom use, the script specifically states:

If you need to use the rest room during the test, please notify me. It is *recommended* that you use the restroom, if at all possible, before you start to take the test on the computer. Administration time is not frozen or suspended for restroom breaks. (Emphasis added).

Other than the appellant’s allegation she was not provided with information regarding the same day appeal requirement, a review of the examination record, Center Supervisor Report on Conduct and the monitor’s Report on Conduct of Examination does not evidence any deviations from the standardized protocol for checking candidates into the examination. It is noted that since it is a computer administered examination, candidates for the STB are provided their test score

after they complete the test on the night of the examination. In this case, although notified to do so on several occasions, the appellant did not raise the issue of her nauseousness or discomfort to the monitor or the center supervisor on the night of the examination even after she was apprised of her score. Since the appellant's appeal pertaining to the test administration issues were not submitted on the night of test administration, her appeal regarding this issue is untimely and there is no basis on which the Civil Service Commission can provide relief.

ORDER

Therefore, it is ordered that this appeal be dismissed as untimely.

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 25TH DAY OF FEBRUARY, 2026



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