



**STATE OF NEW JERSEY**

In the Matter of David Stephenson,  
Police Lieutenant (PM2800G), East  
Orange

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

CSC Docket No. 2026-561

Administrative Appeal

**ISSUED: March 18, 2026 (SLK)**

David Stephenson requests to be admitted to the Police Lieutenant (PM2800G), East Orange, promotional examination.

By way of background, agency records indicate that the appellant applied for the Police Sergeant (PM0789V), East Orange, promotional examination and was ranked on the resulting eligible list, which promulgated on May 24, 2018 and expired on October 18, 2022. Certification PL191225 from the eligible list (PM0789V) was issued on August 27, 2019. The disposition of the certification was recorded on December 12, 2019, indicating appointments made, effective October 17, 2019, and that the appellant's name was bypassed. Thereafter, certification PL211097 from the eligible list (PM0789V) was issued on September 20, 2021. The disposition of the certification was recorded on July 26, 2022. Appointments were made on November 8, 2021, and the appellant was once again bypassed. On March 2, 2023, the appellant appealed his bypasses, in particular raising issues regarding the 2019 bypass. However, the appeal was closed by letter, dated April 26, 2023, as the appellant had not presented a timely appeal. Specifically, the appellant's March 2, 2023 appeal was well beyond the 20 days from his bypass in 2019 and 2022.<sup>1</sup> Further, even if the appellant had submitted a timely appeal, the record indicated that he was bypassed on certification PL191225 due to pending disciplinary charges. Additionally, the appellant was bypassed on certification PL211097 due to a suspension as a result of

<sup>1</sup> Although appointments were made in 2021, PL211097 was disposed in 2022. As such, the decision will refer to the recorded bypass of the appellant as the 2022 bypass.

a September 28, 2021 indictment for an August 2020 domestic violence charge.<sup>2</sup> Moreover, the appellant provided no substantive evidence that the appointing authority's decisions to bypass him were in violation of the Rule of Three.<sup>3</sup> Subsequently, the appellant applied for the Police Sergeant (PM4537C), East Orange, promotional examination, which led to the appellant being appointed as a Police Sergeant from certification PL250210, effective February 25, 2025.<sup>4</sup> Finally, the appellant applied for the Police Lieutenant (PM2800G), East Orange, promotional examination, which had a closing date of August 31, 2025, and the test was administered on October 14, 2025. However, the Division of Agency Services (Agency Services) determined that the appellant was ineligible as he lacked the required amount of continuous permanent service as a Police Sergeant, which was one year.

On appeal to the Civil Service Commission (Commission), the appellant indicates that he has written in the past regarding his concerns with being bypassed on East Orange Police Sergeant eligible lists. He asserts that he has been the subject of several departmental charges that were biased and unfair, which were initiated after his name appeared on an active eligible list for promotion. He claims that all the charges that were issued against him were definitely going to be dismissed once there was a hearing. However, the appellant states that the police department stalled holding a hearing so that the charges could have remained active during the time of promotion. For example, the appellant presents that after being bypassed for a Police Sergeant promotion in 2019, only then did the police department proceed on the pending disciplinary charges, even though he believes that the police department could have begun months prior to the date that decisions were made regarding a promotion to Police Sergeant.

Additionally, the appellant provides that there was a case which occurred in September 2019 that involved a retired Police Sergeant. He indicates that the retired Police Sergeant accidentally discharged his weapon and shot himself in the arm. The appellant asserts that a Police Captain who had a vendetta against this retired Police Sergeant attempted to use the appellant to charge the retired Police Sergeant with several offenses that were illegal and were not justified based on the incident that occurred. He states that he subsequently refused to charge the retired Police Sergeant and was then threatened with discipline if he did not. The appellant explains that he continued to refuse as he was given an unlawful order. Thereafter,

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<sup>2</sup> In the appellant's prior appeal, he noted that the domestic violence charge was dismissed on December 5, 2022, and he returned to work on December 13, 2022.

<sup>3</sup> In the current appeal, the appellant submits a letter, dated May 2, 2023, where the appellant contested the closing of his prior appeal. However, this agency has no record that it received this letter. Additionally, there is nothing in the record that indicates that the appellant pursued the matter after May 2, 2023. Nonetheless, as set forth below, the Commission finds that the appointing authority had legitimate business reasons to have bypassed the appellant on the previous certifications which he raised in his prior appeal.

<sup>4</sup> The Police Sergeant (PM4537C), East Orange, eligible list promulgated on October 20, 2022 and expired on January 27, 2026.

a month later, he provides that he was bypassed for promotion and was advised that the reason was because of pending disciplinary charges. The appellant emphasizes that all pending disciplinary against him were dismissed in January 2020. He notes that he was not charged with insubordination for the refusal as that directive would have been unlawful.

The appellant presents that, in February 2025, the case regarding the retired Police Sergeant officially began in civil court. In the trial, the appellant states that he was originally named a defendant. However, he explains that he was transitioned into a witness due to his involvement, or lack thereof, in the matter, and his refusal to file charges against the retired Police Sergeant. Consequently, the appellant indicates that he was a witness for the defense and had to testify against a Police Captain and a Police Officer that the Police Captain used to charge the Police Sergeant, because the appellant refused to do so. The appellant provides that during the several weeks long trial, he was informed that he would be promoted to Police Sergeant on February 25, 2025. He emphasizes that the news of his promotion did not sway his testimony or truthfulness during the trial. The appellant states that he was fully expecting to be bypassed for promotion to Police Sergeant again. Therefore, he was surprised when that did not happen. The appellant highlights that the Police Captain and the Police Officer were found guilty of wrongdoing. Moreover, he presents an article that indicates that the retired Police Sergeant was awarded damages due to a false arrest against him. Further, the appellant states that he was exonerated on all charges related to this case.

Moreover, the appellant indicates that he applied for the Police Lieutenant (PM2800G), East Orange, promotional examination, and the test was administered in October 2025. The appellant argues that if he were not bypassed for a position as a Police Sergeant in 2019, not only would he have been eligible for this Police Lieutenant promotional examination, but he would have been eligible for the previous Police Lieutenant promotional examination that was administered in 2022. The appellant reiterates his assertion that due to bias and unfair practices within the police department, not only did he miss out on the original Police Sergeant promotion, but he also missed out on a possible Police Lieutenant promotion from the Police Lieutenant (PM4759D) eligible list which resulted in promotions, effective June 22, 2023 and February 25, 2025.

Therefore, the appellant requests that he be allowed to sit for the current Police Lieutenant (PM2800G), East Orange, promotional examination as he argues that the police department's alleged past and current practices should not cause him to miss out on a second Police Lieutenant promotional opportunity. He asserts that he previously had earned this opportunity, but it was stripped away from him due to his unwillingness to fall in line with illegal practices.

In support of his appeal, the appellant presents a January 7, 2020 settlement which indicates that East Orange initially sought a 30-day suspension against him based on a September 2018 Preliminary Notice of Disciplinary Action (PNDA) and the final penalty was to merge it with a February 2019 PNDA and be issued a written reprimand; an initially sought 10-day suspension for the February 2019 PNDA and the final penalty was to merge it with the September 2018 PNDA; and an 180-day suspension from another February 2019 PNDA and the final penalty was a written reprimand. Further, the appellant submits the March 2, 2023 and May 2, 2023 letters to this agency where he describes the alleged unfair treatment in detail.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, the record indicates that the appellant was bypassed on certification PL191225 for a position as a Police Sergeant and the disposition was recorded on December 12, 2019. Agency records also indicate that the appellant was bypassed on certification PL211097 for a position as a Police Sergeant and the disposition was recorded on July 26, 2022. While the appellant attempted to appeal his bypasses, the matter was closed on April 26, 2023, as the appellant's appeal was untimely. Further, although the appellant submits a May 2, 2023 letter contesting the closing of that matter, this agency has no record that it ever received that letter. Similarly, this agency has no record that when the appellant did not receive any response to his May 2, 2023 letter that he pursued the matter. As for the subject appeal, it was not received by this agency until August 2025. Therefore, as it is past 20 days from either the appellant's bypass in 2019 or 2022 or the 2023 determination regarding those bypasses, appeals of those matters are untimely and cannot now be considered. See *N.J.A.C.* 4A:2-1.1(b) and *In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020).

Moreover, even if the appeals were timely, upon a review of the merits, although the appellant claims that the charges in 2019 against him were biased and unfair, in the face of discipline, the appellant made the personal choice to settle the charges. The Commission will not now relitigate these issues when the appellant had the opportunity to fully pursue his disciplinary rights at that time. Additionally, while the appellant asserts on appeal that all the charges were dismissed, the settlement does not signify this as he agreed to accept written reprimands. Further, since the appellant agreed to accept written reprimands in January 2020, the appellant's bypass was based on legitimate business reasons. Similarly, as the

appellant had been indicted for domestic violence in 2021, the appointing authority had legitimate business reasons to bypass the appellant for a Police Sergeant position when it disposed of PL211097 in 2022.

Additionally, agency records indicate that the appellant was appointed as a Police Sergeant from certification PL250210 effective February 25, 2025. Therefore, Agency Services correctly determined that the appellant was ineligible for the Police Lieutenant (PM2800G), East Orange, promotional examination as he lacked the required one year of continuous permanent service as a Police Sergeant by the August 31, 2025 examination closing date. Accordingly, there is not a sufficient basis to grant the appellant's appeal.

**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 6  
CIVIL SERVICE COMMISSION ON  
THE 18<sup>TH</sup> DAY OF MARCH, 2026



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