



STATE OF NEW JERSEY

In the Matter of S.J., Fire Official
(M0412G), Pleasantville

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

CSC Docket No. 2026-2101

Request for Reconsideration

ISSUED: July 22, 2026 (HS)

S.J. requests reconsideration of the Civil Service Commission's (Commission) decision in *In the Matter of S.J., Fire Official (M0412G), Pleasantville* (CSC, decided February 25, 2026). That decision is incorporated herein.

In the prior decision, the Commission ordered that the petitioner's appeal, where he contended that he had been improperly bypassed on the subject eligible list, be denied.

On reconsideration, the petitioner argues that it is unclear how the Commission concluded that the appointing authority properly exercised its discretion under the "Rule of Three" when it did not file a response in the prior matter. The lack of said response, in his view, renders the allegations unrefined with factual issues clearly existing, necessitating a hearing at minimum. He contends that the Commission speculated when it stated that "it is reasonable that if he was reachable under the 'Rule of Three,' the appointing authority would want to permanently appoint its provisional appointee." He also highlights the Commission's reference to "a few examples of complaints that have been filed against A.B., where there is no indication in the record if these complaints were ever substantiated." The petitioner claims that in the absence of documentation or evidence submitted to refute his appeal, the Commission's findings appear unsupported by corroborating evidence, and a finding in his favor should be directed pursuant to *In the Matter of Nicholas R. Foglio, Fire Fighter (M2246D), Ocean City*, 207 N.J. 38, 49 (2011) because the appointing authority did not provide fact-specific reasons supporting its action.

Further, he continues to maintain that this matter is part of ongoing harassment and retaliation against him, including his contesting his bypass on the eligible list for Fire Captain (PM5034D), Pleasantville. *See In the Matter of S.J.* (CSC, decided February 26, 2025) (referring that matter to the Office of Administrative Law for a hearing as a contested case).

In response, the appointing authority, represented by Steven S. Glickman, Esq., argues that the standard for reconsideration has not been met. In its view, the petitioner simply repeats his previous allegations without any support whatsoever. For these reasons, the appointing authority does not see the need or requirement to rebut the petitioner's request, which is no different than his original submissions. For this reason, the appointing authority states it will provide no further response other than to inform the Commission that the petitioner has recently been promoted to Fire Captain.¹

In reply, the petitioner reiterates his prior arguments and insists that his bypasses need to be addressed and evaluated on their own merits, regardless of his recent promotion.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration shall be in writing signed by the petitioner or the petitioner's representative and must show the following: (1) the new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or (2) that a clear material error has occurred. A review of the record reveals that reconsideration is not justified.

Initially, it is emphasized that contrary to the petitioner's belief that he was "bypassed," he was not appointed in favor of the *same* ranked eligible. Additionally, the Commission did not base its prior decision on speculation. In this regard and as noted in the prior decision, the Commission and the former Merit System Board have deemed provisional service an appropriate consideration on which to base a selection. *See In the Matter of Mahasen Adra-Halwani* (MSB, decided October 5, 2005). Further, the Commission has previously held that even when an appointing authority did not provide a statement why it appointed a *lower* ranked eligible, it was reasonable that if the provisional appointee was reachable under the "Rule of Three," an appointing authority would want to permanently appoint its provisional appointee. *See In the Matter of Terrence Crowder* (CSC, decided April 15, 2009). A.B.'s provisional appointment was evident from a review of the County and Municipal Personnel System. The record also included the Fire Chief's September 16, 2025 letter:

¹ A review of agency records confirms that the petitioner received a regular appointment to the title of Fire Captain, effective March 16, 2026.

During our conversation on the firehouse apron, you asked why interviews had not been conducted for the Fire Official position. I explained that at present, *[A.B.] has been fulfilling the duties of Fire Official for more than a year, and the City has not advised me of any change or need to conduct interviews for that role.*

You also asked if we would be holding interviews. I again reiterated the previous point. In closing and at the guidance of the mayor, the position of Fire Official continues to be considered filled, with no directive to seek applicants at this time (emphasis added).

As such, the appointing authority's not filing a response did not obligate the Commission to refer the matter for a hearing or grant the appeal. In this regard, the *petitioner* bore the burden of proof, *see N.J.A.C. 4A:2-1.4(c)*, and he did not present any material and controlling dispute of fact that could only be resolved through a hearing, *see N.J.A.C. 4A:2-1.1(d)*; *Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978), let alone establish outright that his bypass was improper. The petitioner also selectively quotes the Commission's decision as it related to the complaints filed against A.B. The Commission in fact stated:

The [petitioner]'s identification of a few examples of complaints that have been filed against A.B., where there is no indication in the record if these complaints were ever substantiated and where the [petitioner] concedes elsewhere in his appeal that A.B. was "well qualified," is not sufficient to demonstrate any abuse of the appointing authority's discretion.

Finally, the Commission must reiterate that it was not obligated to refer the instant matter for a hearing based on *In the Matter of S.J.* (CSC, decided February 26, 2025), as there is no material dispute of fact, and as noted in the prior decision, the petitioner cannot "rely on a mere 'belie[f]' that his nonappointment was harassing and retaliatory."

Accordingly, the standard for reconsideration has not been met.

ORDER

Therefore, it is ordered that this request for reconsideration 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 22ND DAY OF JULY, 2026



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