



STATE OF NEW JERSEY

In the Matter of Monica Garcia,
Quality Assurance Coordinator
(PS4433H), Department of Health

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

CSC Docket No. 2026-1730

Examination Appeal

ISSUED: August 12, 2026 (HS)

Monica Garcia requests permission to submit a late application for the promotional examination for Quality Assurance Coordinator (PS4433H), Department of Health.

The announcement for the subject examination issued on January 1, 2024 with a closing date of January 22, 2024. It was open to employees in the competitive division currently serving in the title of Quality Assurance Specialist Health Services and had an aggregate of one year of continuous permanent service as of the closing date in that title. The eligible list promulgated on April 10, 2025 with the names of eight eligibles, five of whom remain active. The appellant did not submit an application.

In her appeal to the Civil Service Commission (Commission), filed January 22, 2026, the appellant explains that at the time she moved from the Department of Children and Families to the Department of Health (DOH) in the title of Quality Assurance Specialist Health Services on January 14, 2023, DOH did not provide the appellant with a qualifying examination application for said title due to a “system error.” Rather, the qualifying examination was not processed until more than one year later. Specifically, on or about February 13, 2024, the Division of Agency Services determined that she had passed the qualifying examination, and she at that point commenced and subsequently passed her working test period. The appellant argues that but for the delay in processing her qualifying examination, she would

have been able to sit for the Quality Assurance Coordinator (PS4433H) examination. Thus, she requests permission to submit a late application for said examination.

Regarding the timing of this appeal, the appellant claims that she was unable to file sooner because she was never sent official correspondence or information regarding the appeals process. She only became aware of her right to appeal after speaking with staff of this agency. The appellant maintains that had she been properly informed or received the necessary documentation, she would have filed this appeal much earlier.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides, in pertinent part, that 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:4-2.1(e) provides, in pertinent part, that applications for promotional examinations shall be submitted no later than 4:00 P.M. on the announced application filing date.

N.J.A.C. 4A:4-2.6(a) provides that applicants for promotional examinations shall meet all requirements contained in the announcement.

N.J.A.C. 4A:4-2.6(a)1 provides, in pertinent part, that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

The appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

Initially, there is a question in this case as to whether this appeal was timely filed. As noted above, the PS4433H examination had a closing date of January 22, 2024. This appeal was filed two years later. The purpose of time limitations is not to eliminate or curtail the rights of an appellant but to establish a threshold of finality. In the instant case, the two-year delay in filing the instant appeal unreasonably exceeds that threshold of finality. Thus, it is clear that the appellant's appeal is untimely.

Nor is there any basis in this particular case to extend or to relax the time for an appeal. *See N.J.A.C.* 4A:1-1.2(c) (the Commission has the discretionary authority to relax rules for good cause). In this regard, it is appropriate to consider whether the delay in asserting her right to appeal was reasonable and excusable. *Appeal of Syby*, 66 *N.J. Super.* 460, 464 (App. Div. 1961) (construing "good cause" in appellate court rules governing the time for appeal); *Atlantic City v. Civil Service Com'n*, 3 *N.J.*

Super. 57, 60 (App. Div. 1949) (describing the circumstances under which delay in asserting rights may be excusable). Among the factors to be considered are the length of delay and the reasons for the delay. *Lavin v. Hackensack Bd. of Educ.*, 90 N.J. 145 (1982). See e.g., *Matter of Allen*, 262 N.J. *Super.* 438 (App. Div. 1993) (allowing relaxation of the Commission's appeal rules where police officer repeatedly, but unsuccessfully, sought clarification of his employment status). In this case, the appellant has not presented any reason that would excuse the two year delay in filing her appeal. The appellant's excuse that she was not sent information regarding the appeals process is unpersuasive as the responsibility to file a timely appeal rests solely with the appellant. See, e.g., *In the Matter of Sandra Alexander* (MSB, decided March 9, 2005).

Nevertheless, the Commission will note, for informational purposes only, that the subject examination required applicants to possess one year of continuous permanent service in the title of Quality Assurance Specialist Health Services, as of the January 22, 2024 closing date. However, as the appellant only passed her qualifying examination for the Quality Assurance Specialist Health Services title on or about February 13, 2024, she would not have possessed one year of permanent service in that title as of the closing date. Specifically, in order to meet the one year of permanent service, an applicant must have actually served in and performed the duties of the required title for that one-year period of time. In other words, the requirement requires actual service. See, e.g., *In the Matter of Albert Giordano* (MSB, decided January 26, 2005) (employee must actually serve in and perform the duties of the title to which the examination is open during the requisite year in grade in order to establish eligibility). Here, actual permanent service in the title of Quality Assurance Specialist Health Services did not commence until on or about February 13, 2024 when it was determined that the appellant passed the qualifying examination and the working test period commenced. Thus, the actual permanent service requirement cannot be met by the January 22, 2024 closing date for the examination, regardless of any "system error" that may have led to the appellant not being provided with a qualifying examination application at the time she moved to DOH on January 13, 2023. In this regard, no vested or other rights are accorded by an administrative error. See, e.g., *Cipriano v. Department of Civil Service*, 151 N.J. *Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 N.J. 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 N.J. *Super.* 538 (App. Div. 1998). Accordingly, the appellant has not met her burden of proof in this matter.

ORDER

Therefore, it is ordered that this request 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 12TH DAY OF AUGUST, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Monica Garcia
Records Center
Division of Agency Services