

N.J.A.C. 4A:4-2.15(b)2, Rating of examinations, states that, “examinations consisting of more than one part may be rated independently, and candidates who do not receive a passing score on one part of an examination shall be deemed to have failed the entire examination.” Thus, it was necessary to pass all three portions of the physical performance examination in order to pass the exam. If a candidate did not complete any one of the three physical performance exercises in under the allotted times, that candidate failed the examination.

CONCLUSION

The appellant has not presented a persuasive argument for a retest. Each Center Supervisor makes notes of non-routine occurrences in the testing center. In this case, the Center Supervisor notes indicate that the appellant blasted out of the plastic on the first straightaway. He was told that this was not the exit and that he had to proceed back into the maze and crawl to the exit. After the second time that he exited incorrectly, the appellant walked off and refused to go back in and finish his maze crawl. The Center Supervisor indicates that the appellant began stating that he was following the exit outside of the maze. The Center Supervisor observed his performance and checked the maze after his contention, and found that there was nothing wrong with it. The Center Supervisor was again contacted after the filing of this appeal. He reiterated that there was nothing wrong with the maze until the appellant blasted through the side of it. Wood was placed on the plastic on the outside to hold it down, and this was thrown off by the appellant’s first exit. The appellant was told to get back into the maze where he had come out. He then crawled a few feet, turned right, and again exited the maze very near to the first place he had exited it. He was told to get back in and keep going, and he threw up his hands and said he gave up. The wood was returned to the outside of the maze and placed on the plastic where it belonged. The wood was not misplaced during the appellant’s crawl, but was thrown off the plastic when the appellant improperly exited the maze the first time. The appellant’s argument that he failed because the maze was faulty is unpersuasive. The appellant will not be provided with a retest.

A thorough review of the record indicates that the determination of the Division of Test Development and Analytics was proper and consistent with Civil Service Commission regulations, and that 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 4TH DAY OF APRIL, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Nicholas Connelly
Michael Prigoff, Esq.
Michael Johnson