



**STATE OF NEW JERSEY**

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of O.C., Police Officer  
(S9999U), City of Elizabeth

CSC Docket No. 2019-669

Medical Review Panel

**ISSUED: NOVEMBER 8, 2019 (DASV)**

O.C., represented by Donald A. DiGioia, Esq., appeals his rejection as a Police Officer candidate by the City of Elizabeth and its request to remove his name from the eligible list for Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on August 21, 2019, which rendered a report and recommendation. No exceptions were filed by the parties. It is noted that the appellant, his attorney (via phone), and Robert J. Lenahan, Esq., and Dr. Betty C. McLendon, on behalf of the appointing authority, were present at the Panel meeting.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant's failure to make adequate adjustments in an academic setting, irresponsible behavior, poor judgment, and emotional instability. Specifically, Dr. McClendon, the evaluator for the appointing authority, found a "pattern of asocial adjustment . . . noted by excessive and illegal use of alcohol, reckless and impulsive" behavior including driving while under the influence (DWI) of alcohol and an arrest for possession of marijuana. However, the appellant's psychological evaluator, Dr. Roger T. Raftery, noted that the appellant's drug possession charge occurred over 10 years ago when he was 18 years old and that the appointing authority did not remove the appellant from the subject eligible list due to his DWI charge. Regarding the appellant's mental state, Dr. Raftery found him within normal limits and he did not display any signs of psychological disorder. Dr.

Raftery further indicated that the appellant is “grossly within the average range of intellectual ability but does have a weakness, specifically verbal abstract reasoning ability.” In conclusion, Dr. Raftery characterizes the appellant as a “marginal candidate” but would not completely disqualify him based on his history as the appellant demonstrated no indications of sociopathic tendencies or a pattern of asocial/antisocial adjustment.

At the Panel meeting, the appellant’s behavioral history, including the appellant’s arrests for marijuana and DWI, was discussed. The Panel evaluated the information and noted in its report that there had not been any further issues in over five years. However, at the Panel meeting, Dr. McLendon expressed concerns with the appellant’s “lack of focus, short-term memory difficulties, decision making skills, concept-formation/reasoning, inability to conduct simple mathematical calculations and inconsistencies in reporting.” While Dr. McLendon did not believe that the appellant was attempting to deceive, the inconsistencies arose from the aforementioned difficulties. The appellant presented a similar disposition at the meeting. The Panel noted that the appellant was articulate in response to some areas, but when asked about his thinking process with some of the test items, he could not explain nor recall why he answered the items in a specific way. The Panel indicated that the appellant was administered the Shipley Institute for Living Scale – 2 test, which reflected that the appellant was in the “low average range.” However, this test is a screening measure and does not provide a full understanding of a candidate’s cognitive ability. Furthermore, Drs. McLendon and Raftery did not conduct a standardized measure of memory. Therefore, based on the evaluations, the test results of the appellant, and his presentation at the meeting, the Panel requested that the appellant undergo an independent evaluation “that includes a full standardized measure of memory (e.g., Wechsler Memory Scale-IV) and a full standardized cognitive measure (e.g., WAIS-IV).” The Panel concluded that such evaluation “would provide insight regarding the candidate’s memory and ability to accurately recall information as would be required by the position for which he has applied.”

## CONCLUSION

The Civil Service Commission (Commission) has reviewed the report and recommendation of the Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel’s own review of the results of the tests administered to the appellant, it also assesses the appellant’s presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel’s recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist which shall include an in-depth cognitive assessment of

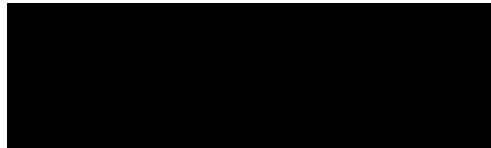
the appellant, which shall include a full standardized measure of memory (Wechsler Memory Scale-IV ) and a full standardized measure of his cognitive abilities (WAIS-IV).

### ORDER

The Commission therefore orders that O.C. be administered an independent psychological evaluation as set forth in this decision. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's consideration of the evaluation, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

O.C. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance date on this determination to schedule an appointment. Dr. Kanen's contact information is as follows:

Dr. Robert Kanen



If O.C. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for a final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 6TH DAY OF NOVEMBER, 2019

*Deirdre L. Webster Cobb*

Deirdre L. Webster Cobb  
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: O.C.  
Donald A. DiGioia, Esq.  
Robert J. Lenahan, Jr., Esq.  
Dr. Robert Kanen  
Kelly Glenn  
Annemarie Ragos