



STATE OF NEW JERSEY

DECISION OF THE CIVIL SERVICE COMMISSION

In the Matter of B.T.,
Correction Officer Recruit (S9988T),
Department of Corrections

CSC Docket No. 2016-4163

Medical Review Panel Appeal

ISSUED: (DASV)

B.T., represented by Ricardo P. Gonzalez, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988T) 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 May 18, 2017, which rendered the attached report and recommendation. No exceptions were filed by the parties. It is noted that the appellant, his attorney, and Drs. Matthew Guller and David Liang 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. Dr. Liang, who had initially examined the appellant for the appointing authority, found the appellant to have "evidenced significant problems with poor judgment, poor attention to safety, and substance misuse/abuse." Dr. Liang noted that the results of the psychological testing were consistent with his opinion of the appellant. Dr. John Rotondi performed an independent evaluation of the appellant and found that the appellant's alcohol use at the time was "within societal norms." Additionally, Dr. Rotondi stated that the results of the psychological testing he administered to the appellant were consistent to each other and "entirely within normal limits." At the meeting, the appellant reported that he had been appointed as a Correction Officer Recruit, Juvenile Justice Commission, in March 2017, but he had resigned in good standing in April

2017 due to a pulled abdominal muscle. The injury prevented him from completing the physical requirements of the position. However, the appellant indicated that he was not examined by a physician. Further, the appellant explained the circumstances of his 2010 arrest. He said he was walking home from a bar after he had been drinking and acknowledged that the incident was a result of a "lack of good judgment." Moreover, he explained that he was involved in a motor vehicle accident and charged with driving while intoxicated in 2012, which was a result of consuming approximately 10 alcoholic drinks. The appellant currently drinks only one time per month because he does "not have time to drink." Based on the evaluations, the test results of the appellant, and his presentation at the meeting, the Panel requested that a new evaluation of the appellant be conducted. The Panel was concerned about the appellant's recent appointment and resignation with the Juvenile Justice Commission and his failure to see a physician for his injury. It was also troubled with the appellant's rationale for his reduced consumption of alcohol. Therefore, it recommended that the independent evaluator further explore these concerns and noted that it would be helpful to have the evaluator review the appellant's psychological evaluation associated with the position at the Juvenile Justice Commission.

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. Additionally, it will be contingent upon the appellant to immediately contact the psychologist and/or psychiatrist who conducted his psychological examination for the Correction Officer Recruit, Juvenile Justice Commission, position and complete any necessary release of information forms so that this psychologist or psychiatrist may forward the appellant's report to the Commission's evaluator.

ORDER

The Commission therefore orders that B.T. be administered an independent psychological evaluation. 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 reconsideration of this matter, copies of the independent

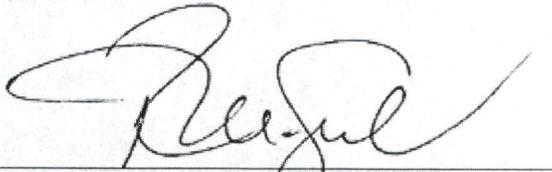
evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

B.T. is to contact Dr. Susan A. Furnari, the Commission's independent evaluator, in order to arrange for an appointment within 15 days of receipt of this order. Dr. Furnari's address is as follows:

Dr. Susan A. Furnari
596 Franklin Avenue
Nutley, New Jersey 07110
(973) 661-1732

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 13TH DAY OF JULY, 2017



Robert M. Czedo, Chairperson
Civil Service Commission

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and
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Attachment

- c: B.T.
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