



In the Matter of A.D., Correction  
Officer Recruit (S9988R),  
Department of Corrections

CSC Docket No. 2018-164

: **STATE OF NEW JERSEY**  
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: **FINAL ADMINISTRATIVE ACTION**  
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: **OF THE**  
: **CIVIL SERVICE COMMISSION**  
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Request for Reconsideration

**ISSUED:** June 24, 2018 (BS)

A.D., represented by Luretha M. Stribling, Esq., requests reconsideration of the decision *In the Matter of A.D. (S9988R), Department of Corrections* rendered on June 7, 2017 by the Civil Service Commission which found the petitioner to be psychologically unfit for a position as a Correction Officer Recruit (S9988R), Department of Corrections. That decision is attached hereto and incorporated herein.

In his petition for reconsideration, the petitioner asserts that the Medical Review Panel psychological report and recommendation attached to his June 7, 2017 Final Administrative Action of the Civil Service Commission was that of another appellant. The petitioner contends that the decision to remove his name may have been based on another candidate's information. Further, the petitioner argues that the April 24, 2017 exceptions to the Medical Review Panel's Report and Recommendation were not addressed by the Commission. In support of his petition for reconsideration, the petitioner submits a copy of the exceptions he filed.

### CONCLUSION

*N.J.A.C. 4A:2-1.6(b)* sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the instant matter, the Civil Service Commission concedes that the wrong Medical Review Panel Report and Recommendation was attached to the June 7, 2017 Final Administrative Determination and that exceptions were not addressed. The Medical Review Panel submitted its Report and Recommendation to the Civil Service Commission on April 10, 2017. By letter dated April 17, 2017, the parties were copied on the Panel's report and recommendation and advised that they had ten days to file exceptions. The petitioner filed exceptions which were dated April 24, 2017 and received by the Commission on May 8, 2017, according to the date stamp. The Commission issued a Final Administrative Determination in this matter on June 7, 2017 without the benefit of reviewing the appellant's exceptions. Complicating the matter, due to a mix-up with the mailings, the report of another candidate was inadvertently attached to the Final Administrative Determination. Therefore, the Commission grants reconsideration of this matter. However, for the reasons detailed below, there is no basis on which to restore the petitioner's name to the list.

The Medical Review Panel's April 10, 2017 Report and Recommendation regarding A.D. discusses all submitted evaluations. Dr. Rachel Safran, evaluator on behalf of the appointing authority, conducted a psychological evaluation and concluded that, based on the test data and behavioral record, the appellant was poorly suited for public safety work and did not recommend him for appointment. Dr. Ronald G. Silikovitz, evaluator on behalf of the appellant, conducted a psychological evaluation and concluded that the appellant had appeared to have matured since high school, particularly in terms of anger management, and he recommended the appellant. The differing conclusions and recommendations of each evaluator were then reviewed by the Medical Review Panel, which also had the opportunity to pose questions to the appellant.

The Panel noted that the petitioner responded to all questions it posed to him regarding the concerns and observations of the evaluators. The Panel found the petitioner's self-reporting was not consistent between the previous evaluations and the explanations provided the Panel. For example, the reports of his marijuana use changed several times during the course of this process. Additionally, the Panel had concerns about the petitioner's work history in that he had not sustained a position with any one employer for any significant amount of time. Additionally, the Panel noted that he had experienced conflicts with more than one supervisor, leading to his employment ending on more than one occasion. The Panel concluded that the behavioral record, at the time of the meeting, indicated that the petitioner was not ready to handle the responsibilities of a Corrections Officer Recruit and did not recommend him for the position.

In his exceptions that were inadvertently not reviewed by the Commission, the petitioner asserts that the Panel's Report and Recommendation failed to focus on

his work history, work ethic, education, and life goals. The petitioner discusses high school, his part time employment, and marijuana use. The petitioner requests that the report of Dr. Silikovitz be reviewed and considered again as he spent more time testing and interviewing the petitioner than the appointing authority's evaluator, Dr. Safran. In support of his appeal, the petitioner submitted two letters of recommendation from acquaintances.

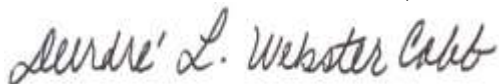
In this case, due to clerical error, the wrong Medical Review Panel Report and Recommendation was attached to the petitioner's Order when it was mailed to him. However, the petitioner had been provided a copy of the appropriate Panel report on April 17, 2017 and he filed exceptions to that report dated April 24, 2017. The report the petitioner was provided prior to the Commission's first determination in this matter clearly indicated that the petitioner was psychologically unsuitable for employment as a Correction Officer Recruit. However, the Commission notes that the petitioner filed timely exceptions which were not previously considered and, therefore, has considered them herein as part of the request for reconsideration. After going through an extensive evaluation process specifically for the purpose of determining the petitioner's psychological suitability for employment as a Correction Officer Recruit, the petitioner was determined psychologically unsuitable based on a review of the entire record, which included a thorough review of the evaluation of Dr. Silikovitz, and the interpretation of the objective test data, by the licensed professionals on the Medical Review Panel. The Commission is not persuaded by the exceptions filed in this matter. After consideration of all of the relevant issues in this matter, including the exceptions filed, the Commission finds that the petitioner has not presented any new information that would change the original outcome. Therefore, no basis exists to restore the petitioner's name to the subject eligible list.

### **ORDER**

Therefore, it is ordered that the 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 18TH DAY OF JUNE, 2018



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Deirdré L. Webster Cobb  
Chairperson, Civil Service Commission

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Attachments

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