



**STATE OF NEW JERSEY**

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

In the Matter of James Wood, Jr.,  
Fire Fighter (M1562T), Passaic

CSC Docket No. 2019-1449

Examination Appeal

**ISSUED:** January 22, 2019 (RE)

James Wood, Jr. appeals the test administration of the physical performance portion (PPT) of the examination for Fire Fighter (M1562T), Passaic, and requests a make-up examination.

The record establishes that appellant took the PPT portion of the examination on October 31, 2018. The physical performance portion of the exam consisted of three parts, the obstacle course, the ladder climb, and the darkened maze, and each portion had a passing point. The passing time for the obstacle course was five minutes, and the appellant finished in 5 minutes, 13.90 seconds. Thus, he failed the examination.

In an appeal postmarked November 15, 2018, the appellant argues that he sustained an injury during the “dummy drag” when his knee hit the back of the mannequin while he was walking while trying to adjust it. He states that he lost his balance and fell to the floor, and the dummy landed on his right knee. He was in extreme pain, but proceeded with the examination. He states that his knee gave way during the “debris box” exercise, but he kept on in order to finish the course. He states that he mentioned his pain to the monitor, and was offered medical assistance and an ambulance, but he refused and was taken home by a family member. Later that day, he went to the Emergency Department, was diagnosed with a knee sprain, and was advised he would have medical clearance by November 14, 2018. It is noted that the appellant’s examination started at 9:00 am and his medical documentation was issued at 11:33 pm.

## CONCLUSION

*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 PPT 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.

*N.J.A.C.* 4A:4-6.4, (Review of examination items, scoring and administration) states that appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the examination.

As this appeal of test administration was filed 15 days after the examination was given, it is clearly untimely. Appeals of test administration must be filed in writing at the examination site on the test date. See *N.J.A.C.* 4A:4-6.4(c). Monitors are required to make an announcement before the start of each examination that, should a candidate wish to appeal the test administration, he or she ***must*** do so at the test center. The Appellate Division of Superior Court has noted that “the obvious intent of this ‘same-day’ appeal process is to immediately identify, address and remedy any deficiencies in the manner in which the competitive examination is being administered.” See *In the Matter of Kimberlee L. Abate, et al.*, Docket No. A-4760-01T3 (App. Div. August 18, 2003).

The appellant could have chosen to stop at some point in the obstacle course due to an injury or to report it to the monitor. In that case, he would have been given medical attention and directions on steps to take for a make-up examination. Instead, he chose to continue with examination, and did not make personnel aware of an injury until he finished the course with a failing score. Even then he did not avail himself of medical attention which would have documented his injury, nor did he inform the Center Supervisor of his injuries, as all candidates were told when during the instructions. Instead, he chose to leave the test center without filing an appeal. At that point, failure to obtain medical attention, or to file an appeal, at the test center precludes Commission staff from concluding that an injury occurred as a result of testing of such a nature that would warrant a make-up.

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 16<sup>th</sup> DAY OF JANUARY, 2019



Deirdré 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: James Wood, Jr.  
Michael Johnson