



**STATE OF NEW JERSEY**

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

In the Matter of C.R.,  
Police Officer (S9999R), Sayreville

CSC Docket No. 2018-1843

Medical Review Panel Appeal

**ISSUED:** January 21, 2020 (BS)

C.R., represented by Frank C. Cioffi, Esq., appeals his rejection as a Police Officer candidate by the Sayreville Police Department and its request to remove his name from the eligible list for Police Officer (S9999R), Sayreville on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on October 17, 2018, which rendered its report and recommendation on October 17, 2018. Exceptions were filed on behalf of the appellant and cross exceptions on behalf of the appointing authority.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Betty McLendon (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as presenting with a history of pervasive emotional, social, and behavioral difficulties that call into question his insights, judgment, and conduct. Although having experience with the military, his life has been impacted by compromised decisions and behaviorally disordered actions which included the misuse of alcohol. Dr. McLendon noted that the appellant has put himself and others in danger with reckless driving and evidenced by repeated infractions. The appellant was not quick to mature or learn from his mistakes, suggesting an ingrained behavior and pattern of decision making that places him at high risk for performance difficulties. Dr. McLendon concluded that the appellant was not psychologically suitable for employment as a Police Officer.

Dr. Dennis H. Sandroock (evaluator on behalf of the appellant) carried out a psychological evaluation and characterized the appellant as showing no signs or symptoms of a serious or persistent mental health problems that would interfere with his ability to work in law enforcement. Dr. Sandroock noted that the appellant had a history of incidents between 18 and 21 that involved alcohol. However, since that time period, Dr. Sandroock opined that there had been no further problems or behaviors that would suggest any serious, persistent, or ongoing problem with alcohol or drugs. Dr. Sandroock also cited the appellant's military service record, unblemished aside from one disciplinary infraction, and noted that there was no demonstration of any serious symptoms of PTSD. As a result, Dr. Sandroock concluded that the appellant was psychologically suited for the subject position.

Dr. Gianni Pirelli, second evaluator on behalf of the appellant, conducted a forensic psychological evaluation and characterized the appellant as presenting without any mental health problem or condition which would preclude him from serving as a Police Officer. Dr. Pirelli opined that, taking the issues of concern raised by Dr. McLendon in context, no compelling data rises to a level which would render the appellant psychologically unsuitable for appointment. In fact, Dr. Pirelli found that the appellant presented as quite mature, responsible, and insightful. Dr. Pirelli did acknowledge that there were a number of historical issues that had been raised that had merit and might have caused the appointing authority to refrain from having offered the appellant in the first place. However, Dr. Pirelli concluded that the appellant is "at least minimally psychologically suitable" to move forward in the process.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel found that, in addition for some incidents in high school, the appellant was charged DUI in 2006, and he was disciplined in the military for underage drinking. In 2011, the appellant was issued summons for drinking on school grounds. The Panel noted there were no other incidents involving alcohol or legal matters since 2011. The Panel further noted that the appellant had the opportunity to obtain steady employment, but he has failed to do so since his discharge from the military. Although it is understood that due to his mother's financial status, the appellant was able to take care of her after her surgery while she supported him financially, this was not a one-time situation and appears to be a pattern. This is consistent with Dr. McLendon's assessment. The Panel concluded that it was imperative that the appellant demonstrate the capability to maintain steady employment and good work performance. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld.

In his exceptions, the appellant asserts that both Dr. McLendon and the Panel focus on his employment status, which is not a psychological reason for removal. However, the appellant argues that Dr. McLendon's initial unfit for duty report was based on his past use of alcohol and not his alleged ability to maintain employment. The appellant maintains that assisting a family member in time of need "usually signifies maturity and responsibility." The appellant asserts that Dr. McLendon's report and recommendation should be disregarded since it focuses on his record prior to 2011 in favor of Dr. Sandrock's testing data which showed that he fell within "the most likely to recommend" for employment category. In addition, Dr. Pirelli opined that although the appellant's previous conduct could have led to his disqualification in the first place, these indiscretions did not reach a level that "merit a psychologist to conclude" that the appellant was psychologically unfit. Accordingly, the appellant asserts that his disqualification should be reversed.

In its cross exceptions, the appointing authority, represented by Robert J. Merryman, Esq., asserts that, contrary to the appellant's assertion, the Panel reviewed his entire record which included his employment history. The conclusion that the appellant lacks a significant employment history is amply supported by the record. The Panel accurately found that the appellant's failure to maintain a steady employment history demonstrates a lack of responsibility, which is a critical trait of a Police Officer. In addition, the appointing authority asserts that the Panel also noted the appellant's pattern of immature and poor judgment, which included several alcohol related incidents. The appointing authority argues that the appellant "has displayed immature judgment and his pattern of poor judgment appears to have become part of a pattern of inconsistencies and failure to live up to his responsibilities and suggests instability in his overall pattern of functioning." The appointing authority points out that the appellant was less than forthcoming during Dr. McLendon's testing and chose to omit acknowledging that he had any problems related to drugs or alcohol and was, therefore, not truthful and forthcoming in his responses. The appointing authority asserts that integrity, credibility, and consistency are necessary traits for a Police Officer and the appellant's overall record does not establish stability in these areas. Therefore, the appointing authority respectfully requests that the Commission disregard the findings of the Panel and uphold the removal of the appellant from the subject eligible list.

## CONCLUSION

The Civil Service Commission has reviewed the report and recommendation of the Medical Review 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

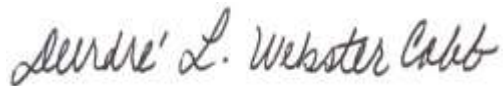
appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. In the instant matter, the Commission finds the exceptions presented by the appellant not to be persuasive. In this regard, the Commission notes that its Panel of qualified and licensed Psychologists and Psychiatrist have already reviewed all of the raw test data, reports and opinions of Drs. McLendon, Sandrock, and Pirelli, as well as having the opportunity to question the appellant, and rendered its own expert opinion in this matter. The Commission defers to and agrees with the expert opinion of its Panel.

### ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that C.R. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that his name be removed from the subject eligible list.

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 15TH DAY OF JANUARY, 2020




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