



**STATE OF NEW JERSEY**

In the Matter of El Hussein Aly  
Ahmed, Entry Level Law  
Enforcement Examination (S9999A)

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

CSC Docket No. 2020-2571

Examination Appeal

**ISSUED: NOVEMBER 1, 2021 (JH)**

El Hussein Aly Ahmed appeals the administration of the Entry Level Law Enforcement Examination (S9999A). It is noted that the appellant received a final average of 86.900 and appears at rank 9295 on the subject eligible list.

By way of background, the appellant was scheduled to be tested on December 3, 2019.<sup>1</sup> On his application, the appellant checked the box that he needed an accommodation in accordance with the Americans with Disabilities Act (ADA). The Division of Administrative Services approved his request and on the test date, the appellant was to be provided with a reader, extra time and a separate room. It is noted that all candidates for the subject test who required a reader were provided with a laptop with an audio file and headphones. On May 6, 2020, an email was sent to all Entry Level Law Enforcement Examination candidates which provided, in pertinent part, that “The scores for the Law Enforcement Examination are now available on the Civil Service Commission (CSC) website.”

On appeal, Aly Ahmed presents that he was “granted the accommodation of a reader and instead I received an audiotape and headphones.” He contends that

<sup>1</sup> It is noted that all candidates who required a reader were scheduled to be tested on December 3, 2019. However, due to inclement weather on that date, testing was postponed. Aly Ahmed, who was stationed in North Carolina, did not receive notice of the postponement and traveled to New Jersey to take the subject test. As a result, he was permitted to be tested in Trenton on that date.

“when I took my first Civil Service test four years ago<sup>2</sup> I had an actual reader that was able to pause between questions so that I . . . was able to accurately navigate the test to the proper location with the proper response to the question. With the audiotape, I was unable to fully understand the directions given to me for the questions on the test in the way I did on my first civil service test in which I scored a 98.8.” He asserts that “due to the fact that my test accommodations were not what they were supposed to be, I was put at a disadvantage and I would like a chance to retake the test with the accommodations that were granted to me in the first place.” He maintains that “due to the inaccuracy of the taped directions/questions, the score I received is not a true account of my knowledge and I was put at a disadvantage which caused me to get only an 86.9 on the current test.”

In a subsequent submission, Aly Ahmed maintains that “the [audio] program was faulty and had glitches and was not properly working while I was taking the test. When I advised the proctor that the software that was used was not working properly, I was told to appeal the accommodations after I took the test . . . One of the problems that I had experienced was I was not able to have the question reread to me so I could be assured that the answer I gave was for the correct question, without the program going back too far in the test. The second problem that I experienced was that there was not enough time between questions in order for me to process what was read to me by the computer and make a sound decision. Due to these issues, it led to me becoming anxious about finishing the test on time and getting all of my answers in.” He adds that “due to its glitches it caused me to get a lower score than I had gotten previously. All people with disabilities learn differently and process information differently. Some individuals are good with programs, and others, like myself are better with a person reading the questions to them. I am requesting that my previous score be reinstated or that I am given a new test date with a one on one reader . . .”

## CONCLUSION

*N.J.A.C.* 4A:4-6.4 states that appeals pertaining to administration of the examination must be filed in writing at the examination site on the day of the exam.

*N.J.A.C.* 4A:4-2.14(a) provides that otherwise qualified applicants with disabilities may request an accommodation in taking an examination by indicating their request for accommodation on the examination application and, upon receipt, the Civil Service Commission shall make a reasonable accommodation where appropriate and notify the candidate of the arrangements.

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<sup>2</sup> A review of the record finds that Aly Ahmed took the S9999U exam, which was administered in 2016, and received a final average of 98.170.

A review of the record finds that Aly Ahmed took the subject examination on December 3, 2019 and on May 13, 2020, after receiving his score and over five months after he took the test, he filed an appeal. As such, his appeal of test administration issues is clearly untimely.

Nevertheless, for informational purposes, it is noted that the Division of Administrative Services was contacted regarding this matter and indicated that for the subject test, it determined that providing an audio file was a reasonable accommodation for those candidates who required a reader. In this regard, the Division of Administrative Services indicated that the directions were recorded verbatim from the testing materials and the audio file was reviewed for accuracy. In addition, the Division of Administrative Services noted that candidates using the audio file were permitted to listen to the directions as many times as they needed. Furthermore, the appellant has not demonstrated that the audio file was not sufficient.

### 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 27<sup>TH</sup> DAY OF OCTOBER, 2021




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