



**STATE OF NEW JERSEY**

In the Matter of R.C.J., Fire Fighter  
(M1854W), Mount Laurel Fire District 1

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

CSC Docket No. 2020-1881

Medical Review Panel Appeal

**ISSUED: JUNE 7, 2021 (BS)**

R.C.J., represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by Mount Laurel Fire District 1 and its request to remove his name from the eligible list for Fire Fighter (M1854W) 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 August 26, 2020, which rendered a Report and Recommendation on August 29, 2020. Exceptions were filed on behalf of the appellant, and cross exceptions were filed on behalf of the appointing authority.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Jennifer Kelly, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant. Although Dr. Kelly did not find substantial issues regarding the appellant’s mental status, there were significant issues with elements of the appellant’s personal history which she found to evidence substantial deficits in the required competencies and demonstrated counterproductive behavior for a Fire Fighter candidate. Dr. Kelly also found that the test results, taken together with the appellant’s behavioral history, suggested that the appellant was at high risk for job performance issues in the areas of emotional regulation/stress tolerance and impulse control, while being at moderate risk for performance difficulties in the areas of teamwork and decision making. Dr. Kelly noted the appellant’s “relatively recent history of physical altercations [with his brother], impulsive behavior, and crisis center evaluation suggest[ed] it would

be prudent to allow for a longer period of stability before being considered for the prospective position.” She also determined that the appellant’s potential problematic on-the-job behaviors included, among other things, becoming easily discouraged, having difficulty with emotional control/restraint, having difficulty performing under stressful conditions, being more likely to be made anxious by change and uncertainty, feeling inadequate, exhibiting difficulties cooperating with peers/supervisors, and giving up easily when presented with challenges. Dr. Kelly concluded that the appellant had an “unacceptably elevated risk of job relevant counterproductive behaviors” which would likely cause difficulties for him as a Fire Fighter. Consequently, Dr. Kelly did not recommend the appellant for appointment to the subject position.

Dr. Sandra Morrow, evaluator on behalf of the appellant, carried out a psychological evaluation and opined that the appellant is well prepared for the position of Fire Fighter. Dr. Morrow noted that the appellant prepared himself for his future career by volunteering as a junior Fire Fighter, learning mechanics, and volunteering as an adult Fire Fighter for two departments. Additionally, Dr. Morrow noted that the Mount Laurel Fire District 1 believed in the appellant’s prospects enough for it to pay for his six-month course at its fire academy. After receiving his Fire Fighter certification, the appellant continued taking additional courses. Dr. Morrow indicated that the appellant was a concrete thinker, which could explain some of the difficulties he had with standardized testing. However, none of those tests indicated pathology or consistent detrimental behavior patterns. Dr. Morrow stated that the appellant thrives on “hands on” training, is industrious, demonstrated his service to the community, and received recognition through awards and scholarships. Further, the appellant had no problems with his credit, his driver’s license, with drugs or alcohol, or with violence. Accordingly, within a reasonable degree of psychological certainty, Dr. Morrow could not find a reason why the appellant was not psychologically fit to serve as a Fire Fighter.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. While Dr. Kelly was concerned about substantial evidence of deficits in the required competencies and counterproductive behavior, including the appellant’s recent history of physical altercations, impulsive behavior, and crisis center evaluation, Dr. Morrow was of the opinion that the appellant was well prepared for the position, and exceptionally matured and that the test data and behavioral record supported the appellant’s psychological suitability for the position of Fire Fighter. The Panel found that the appellant’s behavior during the Panel meeting was unremarkable in that he did not show signs of overt psychopathology such as psychosis or thought disorder. Regarding a motor vehicle accident, the Panel stated that it had no way of knowing the truth of what occurred, but the appellant’s version of the incident was accepted by the police. However, with regard to the other aspects of the appellant’s behavioral record, the Panel saw a January 2019 event in which the appellant was

acting strangely, threatened to commit suicide, and taking his parent's vehicle without permission as an act of impulsivity. Additionally, the Panel indicated that the appellant's work history was limited, and he had received at least one warning on the job. The Panel noted that obtaining additional stable employment and ongoing responsible behavior could alleviate these concerns at some point in the future. Based on the foregoing, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, indicated that the appellant was not psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. Therefore, the Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant asserts that the 2019 "event" was a dispute between the appellant, his parents, and brother regarding a young woman the appellant was dating and of whom his parents disapproved. The appellant claims that, rather than being evidence of impulsivity, the 2019 incident "demonstrated the [his] maturity in the face of the bizarre behavior of his family." He was calm when the police found him, and he submitted to a psychological evaluation at a crisis center. He indicates that there was no evidence of drug or alcohol use or suicidal ideation. The appellant argues that the report of Dr. Morrow demonstrated the inappropriateness of the conduct of the appellant's father. The appellant maintains that he "did nothing wrong." With regard to a motor vehicle accident, the appellant claims that his ex-girlfriend "clearly had an incentive to bad-mouth" him and the police accepted his version of the events anyway. The appellant further disputes the Panel's conclusions that he had a "limited work history," as his work experience is not limited for someone "two years out of high school." He also contends that one warning for being late by an employer does not provide a sufficient basis to find someone psychologically unsuitable for employment as a Fire Fighter. He stresses that the appointing authority paid for his fire academy training and he had no issues during the academy. The psychological testing also failed to reveal any pathology which would render him psychologically unsuitable. For these reasons, the appellant argues that he should be reinstated to the subject eligible list.

In its cross exceptions, the appointing authority, represented by Lane J. Biviano, Esq., argues that Dr. Morrow utilized the appellant's father's recanted statements "at a time when the goal was to mitigate perceived damage to appellant's candidacy as a career Fire Fighter" and that she failed to address the appellant's father's earlier statements as relevant. The appointing authority disputes Dr. Morrow's findings that a "simple family dispute should have remained in the family and not been part of a pre-employment evaluation" which it maintains is in "contravention of the standard process of public safety pre-employment psychological assessments." The appointing authority also contends that, contrary to Dr. Morrow's assertion, it is not an "unusual procedure" to conduct interviews

with collateral informants during pre-employment background investigations. Regarding the motor vehicle accident, the appointing authority contends that the entirety of the appellant's and his former girlfriend's description of the accident matched completely, with the one exception of how the accident occurred, and thus "suggests his former girlfriend was truthful." The appellant's assertion that the psychological testing does not reveal any psychopathology or basis to determine that he was unsuitable fails to take into account the appellant's response style, which renders that aspect of the testing invalid. Moreover, the appointing authority submits that Dr. Morrow's conclusion that the appellant was functioning "basically within normal limits" is exceedingly misleading given the general lack of validity of the test results. The appointing authority further contends that the testing personality instrument utilized by Dr. Morrow was not the current version and not appropriately suited for evaluating public safety candidates.

With regard to the January 2019 events, the appointing authority notes that the appellant's father is a long tenured federal Fire Fighter, his brother is an Emergency Medical Technician, and his mother is a Charge Nurse, all of whom are experienced with dealing with difficult individuals, were unsuccessful in dealing with the appellant's behavior. Further, the appointing authority disputes the appellant's characterization of the scope and extent of his firefighting experience and his statement that Mount Laurel "thought so highly" of the appellant that it paid for him to attend the fire academy for six months. It states that every Mount Laurel volunteer Fire Fighter is sent to the Fire Academy at a cost of \$55 per volunteer. The appointing authority asserts that the appellant exaggerated his experience as junior Fire Fighter and volunteer Fire Fighter in that junior Fire Fighters do not respond to fire calls or interact with regular Fire Fighters, only during meetings. Further, even as a volunteer Fire Fighter, the appellant was not qualified to drive the trucks.

As for his work experience, the appointing authority submits that the appellant worked as an intern at an automobile dealership (he dropped out of college and resigned the internship), several months as a landscaper (for which he was a "no show" on two occasions and late on one occasion), and is currently employed by a firefighting company testing fire hoses for leaks in addition to his exaggerated experience at the volunteer fire company. As such, it contends that the foregoing is hardly an extensive work or educational history. In conclusion, the appointing authority maintains that the appellant is impulsive, emotionally immature, and lacking in veracity on a number of events concerning his interaction with others. For these reasons, the appointing authority requests that the Panel's Report and Recommendation be upheld, and the appellant be removed from the subject eligible list.

In response to the cross exceptions, the appellant argues that the appointing authority has failed to support the "erroneous conclusion" of the Panel that he is

psychologically unsuitable for the position. Contrary to the appointing authority's characterization, Dr. Morrow's interview with the appellant's father was more revealing about the father's pathology more than anything abnormal about the appellant. The appellant contends that the appointing authority's description of his experience as a junior Fire Fighter and volunteer Fire Fighter ignores the "undisputed fact" that he did not exhibit any psychological or behavioral problems either at the Fire Academy or as a volunteer. Although the appellant attended community college, he withdrew when his father was facing surgery. Unfortunately, he failed to notify the Registrar that he was withdrawing, and his grades were all recorded as "failing." However, he later enrolled at the Burlington County Institute of Technology where he achieved his Fire Fighter 1 certification. Thus, the appellant maintains that, for a person only a few years out of high school, nothing in the record reveals anything negative about his psychologic suitability for the subject position.

In reply to the appellant's response to its cross exceptions, the appointing authority reiterates that the appellant is embellishing his training, education and accomplishments. It further contends that emotionally mature adults do not continually blame others for their circumstances or missteps, as is the case with the appellant. Dr. Morrow offered that the appellant's father "behaved inappropriately" and, therefore, the appellant's father is to blame for misinterpreting the appellant's behavior and contacting the police on two occasions. Dr. Morrow further asserted that the appellant's father somehow "regretted" contacting the police regarding the appellant's behavior. The appointing authority argues that Dr. Morrow's report "represents a conclusory opinion, solely designed to mitigate appellant's history of rash or impulsive behavior." The appointing authority maintains that the appellant is unfit to serve as a Fire Fighter.

## CONCLUSION

The Job Specification for the title of Fire Fighter is the official job description for such positions within the Civil Service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical thinking when responding to many emergency situations. Examples include conducting step-by-step searches of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of

water at a fire, adequately maintaining equipment and administering appropriate treatment to victims at the scene of a fire, *e.g.*, preventing further injury, reducing shock, and restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and firefighting operations.

The Civil Service Commission (Commission) has reviewed the Job Specification for Fire Fighter and the duties and abilities encompassed therein and finds that the negative psychological traits which were identified by the appointing authority's evaluator and supported by its test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission does not find Dr. Morrow's evaluation and the exceptions and responses filed on behalf of the appellant to be persuasive. Of particular concern is the January 2019 incident which the Panel found to be indicative of the appellant's impulsivity. It is noted that the appellant does not take responsibility for any adverse behavior on his part during the incident, but rather, he shifts blame to his family. Moreover, the appellant mischaracterizes his experience as a junior Fire Fighter and volunteer Fire Fighter which was adequately addressed in the appointing authority's cross exceptions that the appellant unsuccessfully has failed to refute. Further, he has not yet shown the maturity needed to be a Fire Fighter. In addition to the foregoing, the appellant's work history is limited as noted by the Panel, and he admittedly had recent physical altercations with his brother.

It is emphasized that, prior to making its Report and Recommendation, the Panel conducts an independent review of all of the raw data presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it and, as such, are not subjective. The Panel's observations regarding the appellant's behavioral record, employment history or lack thereof, responses to the various assessment tools, and appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants. The Commission finds the record supports the findings of the Panel and the appointing authority's evaluator of problematic behaviors. Accordingly, the Commission agrees with the Panel's assessment that the appellant is not psychologically suitable for employment as a Fire Fighter at this time and future responsible behavior may alleviate the noted concerns.

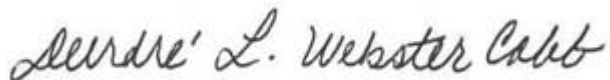
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed on behalf of the appellant and the appointing authority, and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation and denies the appellant's appeal.

**ORDER**

The Commission finds that the appointing authority has met its burden of proof that R.C.J. is psychologically unfit to perform effectively the duties of a Fire Fighter 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 2<sup>ND</sup> DAY OF JUNE, 2021



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