



**STATE OF NEW JERSEY**

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

In the Matter of C.R.,  
Correctional Police Officer (S9988A),  
Department of Corrections

CSC Docket No. 2020-2750

Medical Review Panel Appeal

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

C.R., represented by Luretha M. Stribling, Esq., appeals his rejection as a Correctional Police Officer candidate by the Department of Corrections and its request to remove his name from the eligible list for Correctional Police Officer (S9988A), Department of Corrections, 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 November 20, 2020, which rendered its Report and Recommendation on November 20, 2020. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority) conducted a psychological evaluation of the appellant and characterized the appellant as evidencing problems with poor dutifulness, poor integrity, poor judgment, and bias. Dr. Gallegos indicated that the appellant's occupational history was also notable for the number of short-term positions the appellant has held. Additionally, Dr. Gallegos found that the appellant was terminated from two positions: one for stealing from his employer (which resulted in his arrest) and in another for poor

performance. The appellant had two additional arrests: one for failure to pay a fine<sup>1</sup> and one for illegal possession of alcohol. Dr. Gallegos further reported that the Department of Corrections' background investigator found a fourth arrest for simple assault with bodily injury, which the appellant failed to disclose to Dr. Gallegos. The appellant denied this arrest when questioned by the investigator. When Dr. Gallegos asked the appellant about this fourth arrest, the appellant asserted that he did not recall the incident. Psychological test data supported Dr. Gallegos' conclusions regarding the appellant. In particular, it revealed that the appellant, an African American, demonstrated a significant bias against minorities, including bias toward other African Americans. Dr. Gallegos stated "[i]t is likely that this characteristic of his personality is revealed in his treatment of them which could be harmful or create unnecessary conflict should he be placed in a position of authority." Dr. Gallegos concluded that the appellant was not psychologically suitable for employment as a Police Officer.

The Panel's report also indicates that Dr. Ronald G. Silikovitz (evaluator on behalf of the appellant) conducted a psychological evaluation and characterized the appellant as having a number of assets and positive traits such as being a hard worker. Dr. Silikovitz indicated that the appellant's current unemployment appeared to be, in large part, due to the COVID-19 situation. Dr. Silikovitz further noted that the appellant does not smoke, drink, or use illegal drugs. Dr. Silikovitz found that the appellant's explanations regarding his employment terminations, criminal charges, driving license suspensions, school suspensions, and issues with his classes to be plausible. Dr. Silikovitz stated that the appellant's recent history has been devoid of such issues and many of these issues took place when the appellant was a minor. Dr. Silikovitz opined that the appellant's maturity, motivation, and current lifestyle appear to be exemplary and suggest a likelihood of his success as a Correctional Police Officer. Dr. Silikovitz found no significant psychological reason why the appellant would be psychologically unsuitable for employment as a Correctional Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. Upon its review, the Panel found that the appellant works as a Laborer and has a history of terminations and being reprimanded at work, arrests, and driver's license suspensions, which the Panel discussed with him at its meeting. It noted that the appellant initially acknowledged a history of three arrests although there was a fourth arrest that the appellant did not acknowledge until confronted about it by the appointing authority's evaluator. While the appellant did not deny it had occurred, he stated that since he requested the paperwork, but it could not be found, it "did not exist." The Panel also expressed concerns with the appellant's responses to biased items in the testing, including endorsing such items as minorities commit more crimes, ruin

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<sup>1</sup> This appears to be in reference to the appellant driving with a suspended driver's license.

neighborhoods, and lack self-discipline and intelligence. When questioned on this by the Panel, the appellant stated these responses were inaccurate and “not true” and that he had rushed through the testing. The Panel opined that it was “unusual that ‘errors’ like this are made” and that a Correctional Police Officer who harbors such beliefs in a correctional setting could place inmates at risk. The Panel further found that a pattern of vague responses was characteristic of the appellant’s appearance throughout the Panel meeting and that he appeared not to recall details of his life. Accordingly, the Panel determined that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correctional Police Officer, indicated that the appellant is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. The Panel recommended that the appellant’s removal from the subject eligible list be upheld.

In his exceptions, the appellant asserts that the decision to remove him from the subject eligible list was based on incidents which occurred when he was a teenager.<sup>2</sup> He is now 32 years old and is living a mature, responsible life. He maintains that Dr. Gallegos’ assessment was refuted by the evaluation of Dr. Silikovitz and that the Panel erred in relying on the report of Dr. Gallegos. The appellant also asserts that he had difficulty understanding Dr. Gallegos’ accent, felt rushed during the testing, and there were “technological issues” as the evaluation was done virtually. On the other hand, he could understand Dr. Silikovitz and the interview and testing were not rushed. The appellant argues that Dr. Gallegos’ test data should be disregarded in favor of Dr. Silikovitz’ test data which showed different results. It is noted that both Drs. Gallegos and Silikovitz administered the Personality Assessment Inventory (PAI). Moreover, the appellant emphasizes that, as an adult, he has no arrests and does not smoke, drink, or do drugs. The appellant denies harboring any biases toward African Americans. The appellant cites his recent community service work and his experience as an Operations Center Security Officer as examples of his suitability and submits letters of reference in support of his appeal. The appellant requests that the Civil Service Commission (Commission) reject the Panel’s Report and Recommendation and restore him to the eligible list.

## CONCLUSION

The Job Specification for the title of Correctional Police Officer is the official job description for such State positions within the Civil Service system. According to the specification, a Correctional Police Officer exercises full police powers and acts as a peace officer at all times for the detection, apprehension, arrest, and conviction of offenders against the law. Additionally, a Correctional Police Officer is involved in providing appropriate care and custody of a designated group of

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<sup>2</sup> The appellant notes he was 18 years old, which is the age one is considered an adult.

inmates. These officers must strictly follow rules, regulations, policies and other operational procedures of that institution. Examples of work include: encouraging inmates toward complete social rehabilitation; patrolling assigned areas and reporting unusual incidents immediately; preventing disturbances and escapes; maintaining discipline in areas where there are groups of inmates; ensuring that institution equipment is maintained and kept clean; inspecting all places of possible egress by inmates; finding weapons on inmates or grounds; noting suspicious persons and conditions and taking appropriate actions; and performing investigations and preparing detailed and cohesive reports.

The specification notes the following as required skills and abilities needed to perform the job: the ability to understand, remember and carry out oral and written directions and to learn quickly from written and verbal explanations; the ability to analyze custodial problems, organize work and develop effective work methods; the ability to recognize significant conditions and take proper actions in accordance with prescribed rules; the ability to perform repetitive work without loss of equanimity, patience or courtesy; the ability to remain calm and decisive in emergency situations and to retain emotional stability; the ability to give clear, accurate and explicit directions; and the ability to prepare clear, accurate and informative reports of significant conditions and actions taken.

The Commission has reviewed the Job Specification for this title and the duties and abilities encompassed therein and finds legitimate concerns were raised by the appointing authority's evaluator regarding the appellant's dutifulness, integrity, judgment, and bias. The appellant's behavioral record, which includes terminations, arrests, driver's license suspensions, supports the conclusion of the appointing authority's evaluator. The Commission is not persuaded by the appellant's exceptions. The appellant's current adult life was also considered. However, these incidents in the appellant's history coupled with his current presentation before the Panel provide ample support to disqualify him based on psychological reasons. It is noted 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. The Commission defers to and agrees with the expert opinion of its Panel, which also found the appellant's endorsement of biased responses troubling. Although the appellant contends that the items he endorsed were untrue and he was rushed, the Panel indicated that it was "unusual that 'errors' like this are made." Further, it cannot be ignored that the appellant was already exposed to the PAI when Dr. Silikovitz administered the test to him. Even in the second administration, there

was a 59% probability that the appellant would be rated “poorly suited” for a public safety position.<sup>3</sup>

Therefore, the Commission finds the record, when viewed in its entirety, supports the findings of the Panel and the appointing authority’s evaluator concerning the appellant’s psychological suitability. Accordingly, having considered the record, including the Job Specification for the title, and the Panel’s Report and Recommendation issued thereon 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 C.R. is psychologically unfit to perform effectively the duties of a Correctional 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 1<sup>ST</sup> DAY OF SEPTEMBER, 2021

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
Chairperson  
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<sup>3</sup> In the first administration of the PAI, the rating was 79% (or 98 percentile).

c: C.R.  
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