



STATE OF NEW JERSEY

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

In the Matter of J.H., Correctional
Police Officer (S9988A), Department
of Corrections

Medical Review Panel Appeal

CSC Docket No. 2021-102

**ISSUED:SEPTEMBER 24, 2021
(DASV)**

J.H. 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) on the basis of psychological unfitness to perform effectively the duties of the position.

By way of background, this appeal was brought before the Medical Review Panel (Panel) on April 29, 2021, which rendered a Report and Recommendation. The Panel recommended that the appellant undergo an independent evaluation, “which shall include an in-depth evaluation of the appellant’s possible bias, the appellant’s ability to communicate his ideas effectively, and his ability to meet the employment demands of a Correctional Police Officer.” In *In the Matter of J.H.* (CSC, decided August 4, 2021), the Civil Service Commission (Commission) agreed with the Panel and ordered that the appellant be referred for independent evaluation. The appellant was to contact the Commission’s independent evaluator within 15 days of the August 6, 2021 issuance date of the determination to schedule an appointment. If the appellant did not contact the independent evaluator, the matter was to be returned to the Commission for a final administrative determination and the appellant’s lack of pursuit would be noted. On August 19, 2021 and September 1, 2021, the independent evaluator confirmed that the appellant did not make contact to schedule an appointment. It is noted that the appellant has not notified the Commission in this regard, nor is there any indication in the record that the Commission’s decision was not received by the appellant. The Commission’s decision was emailed to the parties on August 9, 2021.

CONCLUSION

N.J.A.C. 4A:4-6.5(g) in relevant part provides that the Commission shall either conduct a written record review of the appeal or submit psychological appeals to the Panel, which may request additional psychological reports, examinations, or other materials. Additionally, *N.J.A.C.* 4A:4-6.5(g)4 indicates that, in appropriate cases, the Commission may refer an appellant for an independent professional evaluation. Moreover, *N.J.A.C.* 4A:2-1.1(c) states that the appellant must provide any additional information that is requested, and failure to provide such information may result in dismissal of the appeal. Finally, *N.J.A.C.* 4A:4-6.3(b) provides that the appellant shall have the burden of proof, except for medical or psychological disqualification appeals, where the appointing authority shall have the burden of proof.

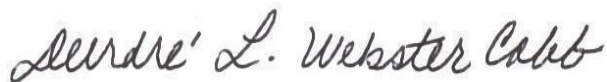
In the instant matter, the Panel was concerned with the appellant's possible bias and communication skills. The Commission agreed with the Panel and ordered that the appellant be referred to an independent evaluator to consider the foregoing and whether such traits would interfere with the appellant's ability to meet the employment demands of the subject position. The appellant did not comply with the Commission's order to undergo an independent evaluation. Thus, he has failed to provide necessary information. Consequently, there is not a sufficient basis to disturb the appointing authority's request for removal of the appellant from the subject eligible list due to psychological reasons. Accordingly, pursuant to *N.J.A.C.* 4A:2-1.1(c), the appellant's appeal is dismissed for lack of pursuit.

ORDER

Therefore, the appellant's appeal is dismissed for lack of pursuit.

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 22 DAY OF SEPTEMBER, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Allison Chris 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: J.H.
Veronica Tingle
Division of Agency Services