

**STATE OF NEW JERSEY**

In the Matter of C.A.F., Police Officer  
(S9999A), City of Jersey City

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

CSC Docket No. 2021-833

Medical Review Panel Appeal

**ISSUED: JANUARY 21, 2022 (BS)**

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C.A.F. appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on May 14, 2021, which rendered its Report and Recommendation on May 18, 2021. Exceptions were filed by 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. Krista Dettle, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as immature with limited insight. Dr. Dettle expressed concerns regarding the appellant’s slashing his boss’ tires because the appellant felt that the manager had a problem with him for enlisting in the army and “disliked the organization because he is Muslim.” The appellant claimed he got mad and let his emotions get the best of him. Dr. Dettle noted that this incident occurred within three years of the evaluation. She also stated that, although the appellant serves in the reserves, he had been unemployed since his return from deployment/activation. Moreover, the appellant was issued five motor vehicle summonses and was the driver in one at fault motor vehicle accident during an illegal turn in 2020. Dr. Dettle also found that the test data indicated that the appellant did not demonstrate the attention to detail required of a public safety candidate and that he attempted to present himself in an overly positive light. On the Personality Assessment Inventory (PAI), the appellant responded in such a guarded and defensive fashion that his test profile could not be used to rule out the presence of counterproductive traits and characteristics. The test data also revealed that the appellant was at risk of showing poor judgment on the

job, which could include behaving impulsively, acting without thinking sufficiently, or hypomanic tendencies. Additionally, Dr. Dettle found that the appellant is someone who is less effective at navigating social requirements. The appellant also endorsed critical items regarding not being comfortable following orders and that he felt good when bosses made fools of themselves. Based on the above concerns, Dr. Dettle did not recommend the appellant for employment as a Police Officer.

The Panel's report also indicates that Dr. Ronald Silikovitz, evaluator on behalf of the appellant, carried out a psychological evaluation and opined that the appellant had a number of assets and positive traits including a positive family background. The appellant served in the United States Army, was deployed overseas and honorably discharged, worked as a truck driver, and earned a number of medals and citations. He continues to serve in the Army National Guard and is committed to two more years of such service. Dr. Silikovitz noted that the appellant never used drugs or alcohol and has no record of criminal convictions. The appellant expressed deep regret for his tire slashing incident against his boss who "had been harassing him for enlisting in the Army." Dr. Silikovitz found that the appellant's objective personality inventory results indicate a low risk of being classified as poorly suited for a public safety position. Additionally, he indicated that the likelihood of the appellant having problem behaviors with respect to the job, anger management, or substance abuse issues is low to moderate in all instances. The likelihood of integrity issues is also moderate. Dr. Silikovitz reported that the appellant's PAI profile was within normal limits, with the exception of certain scales such as obsessive compulsive, grandiosity, and others, which are explained by the difficulty the appellant had in understanding pertinent items, which Dr. Silikovitz opined may have been phrased in an ambiguous manner. Dr. Silikovitz characterized the appellant as focused, responsive, credible, and direct in his answers to interview questions. Dr. Silikovitz concluded that the appellant was psychologically suitable to serve as a Police Officer.

As set forth by the Panel, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The appointing authority's evaluator was concerned about problems with the appellant's limited insight, the tire slashing incident, and his psychological testing results which indicated that the appellant was at a risk of showing poor judgment on the job, including behaving impulsively, acting without thinking sufficiently, or having hypomanic tendencies. The appellant's evaluator cited the appellant's assets and positive traits including a positive family background, his military service, and lack substance abuse issues. The Panel found the appellant's behavior during the meeting as unremarkable in that he did not show any signs of overt pathology such as psychosis or thought disorder. The appellant answered all of the Panel's questions in a cooperative manner. However, the Panel was concerned about the 2017 incident, where the appellant slashed his manager's tires, although the appellant stated that the case was eventually resolved, and he and the manager shook hands. Moreover,

the Panel opined that the appellant has little work history to evaluate since he has been unemployed since late 2019, after his deployment. The Panel viewed the 2017 incident as demonstrating poor judgment and also saw his lack of work history as indicative of immaturity. Accordingly, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicated that the appellant was 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 be removed from the subject eligible list but noted that the “development of a stable work history would be helpful in mitigating these concerns in the future.”

In his exceptions, the appellant maintains that he has strived to find a job, but since the pandemic started, it has “been difficult to get and keep a job because of the fear the media pushed on the mass public.” He indicates that he has applied to the United States Postal Service and states that he has been “offered numerous positions of City carrier and Rural carrier.” He also applied for other jobs. The appellant asserts that his work history is appropriate and since the age of 16 “had a job even if it was only seasonal.” The appellant lists his prior positions and his experience with the military. He also states that he attended college when he returned from deployment and assisted with Covid-related “missions,” such as transport and vaccinations. The appellant maintains that he has always done his best and tries to deliver excellence. Accordingly, the appellant submits that he should be reinstated to the subject eligible list.

In its cross exceptions, the appointing authority, represented by James B. Johnston, Assistant Corporation Counsel, emphasizes that the appellant did not pass its psychological evaluation and it supports the Panel’s recommendation that his psychological disqualification be upheld. The appointing authority asserts that the Panel’s recommendation “is supported by compelling, credible, and substantial evidence in the record,” including the behavioral record and psychological test data. The appointing authority’s primary concerns focus on the appellant’s limited maturity, impulse control, and attention to safety. In particular, the appointing authority maintains that the appellant’s conduct in slashing his boss’ tires is not acceptable behavior for someone who aspires to serve as a Police Officer. It states that its “concern over [the appellant’s] anger management issues is significant and cannot be overemphasized.” Therefore, the appointing authority requests that the Civil Service Commission (Commission) adopt the Report and Recommendation of the Panel and find the appellant psychologically unsuitable for the position.

## CONCLUSION

The Job Specification for the title of Police Officer is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job.

Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

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 2017 tire slashing incident which clearly demonstrates a lack of judgment and impulse control, two traits which do not bode well for an individual who aspires to be a Police Officer. If the appellant was being harassed at work for enlisting in the Army as he alleges, destroying property is not an acceptable response. The Commission notes that the appellant was disqualified because his behavioral record and responses to test items were indicative of a "high risk" candidate who demonstrated a risk of showing poor judgment on the job, which could include behaving impulsively, acting without thinking sufficiently, or hypomanic tendencies, traits not conducive to successfully serving as a Police Officer. Of further concern to the Commission is the appellant's lack of a recent employment history which did not allow for the evaluation of the appellant's behavior when engaged and interacting with others in the work environment since the tire incident. Additionally, the Commission adopts the Panel's findings regarding the appellant's attempt to portray himself in an overly positive light on the personality testing, rendering those results inconclusive. The Commission notes 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, when viewed in its entirety, supports the findings of the Panel and the appointing authority's

evaluator that the appellant has exhibited problematic behaviors and poor judgment. As such, the Commission is not persuaded by the appellant's exceptions, which are anecdotal and subjective regarding his work history.

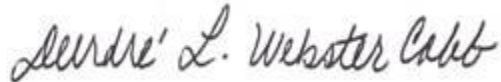
Accordingly, based on the foregoing, the Commission cannot ratify the appellant's psychological suitability to serve as a Police Officer. Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and having made an independent evaluation of the same, the Commission 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.A.F. 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 19<sup>TH</sup> DAY OF JANUARY, 2022



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Deirdré 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: C.A.F.  
John Metro  
James B. Johnston, Assistant Corporation Counsel  
Division of Agency Services