



**STATE OF NEW JERSEY**

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of J.R.,  
Police Officer (S9999A), Long Branch

CSC Docket No. 2022-609

Medical Review Panel Appeal

**ISSUED: August 24, 2022 (DASV)**

J.R., represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by Long Branch 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 (Panel) on April 27, 2022, which rendered its Report and Recommendation on April 27, 2022. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to concerns about the appellant's defensiveness, arrogance, "limited self-awareness in his interpersonal presentation," "social competence, problems with authority, impulse dyscontrol and poor judgment." In that regard, Dr. Krista Dettle, the appointing authority's psychological evaluator, referenced the appellant's arrests in 2019 for "knowingly defying an officer after he was asked to leave a bar" and in 2014 for "shooting at moving vehicles with a paintball gun," his college failure in order to "stick it" to his family, and a suspension in high school for a physical altercation. Dr. Dettle also noted that the appellant "stopped in the lieutenant's office to provide negative feedback" about Dr. Dettle's questioning of him during his interview. Therefore, based on her findings, including the results of the psychological testing, which she indicated had "significant and compelling psychological test data to corroborate these concerns," Dr. Dettle did not recommend the appellant for appointment as a Police

Officer. However, the appellant's psychiatric evaluator, Dr. David Gallina, found the appellant suitable for appointment. Dr. Gallina performed a mental status examination on the appellant, reviewed the pre-appointment psychological report, and administered psychological tests. Dr. Gallina opined that the appellant "does have the essential psychological qualities necessary for the position of a Police Officer with the Long Branch Police Department."

At the Panel meeting, the appellant was questioned about his employment, arrest history, "perceived arrogance," and his complaint to a lieutenant. With regard to his employment, the appellant reported that he received positive feedback in his position with the Long Branch Board of Education and as a server at a restaurant. However, the Panel commented that "there is concern that his evaluations may not be as forthcoming as expected had the candidate not worked under his uncle." Regarding the appellant's complaint to a lieutenant about his interview with Dr. Dettle, the Panel noted the concern that the appellant had "behav[e]d in an entitled manner." Further, the Panel found that the appellant's presentation at the meeting was consistent with Dr. Dettle's concerns. Even though the appellant characterized himself as "immature" regarding his prior conduct and acknowledged that his behavior was "inappropriate," the Panel did not find him to be "genuine" and his responses appeared to have been "rehearsed." The Panel also noted that the appellant worked in security at the Long Branch Board of Education where his uncle was the superintendent.<sup>1</sup> The appellant logged into a computer at his uncle's office for the Panel meeting which was held via videoconference. The Panel emphasized that Police Officers are held to a higher standard. They are expected to recount events accurately and to follow the law. However, the Panel did not render a determination regarding the appellant's suitability for appointment. Rather, given the incidents and concerns that the Panel noted, it recommended that the appellant undergo an independent psychological evaluation to further assess his personality. Specifically, the Panel found that it was necessary to explore whether the appellant possesses personality disorders or other issues that were relevant to the position of Police Officer and that the evaluation incorporate personality measures, such as the Millon Clinical Multiaxial Inventory [MCMI] test, to determine his suitability for the position.

In his exceptions, the appellant argues that the Panel failed to consider the significance of the letters of recommendation that he submitted which referred to his "social awareness," "empathy," "tolerance," "social self-confidence, and "conflict management abilities." Rather, the Panel relied only on Dr. Dettle's findings and limited its reference to Dr. Gallina's findings "to one sentence." The appellant sets forth excerpts from the letters of recommendation. These letters were written by a

---

<sup>1</sup> Agency records indicate that the appellant has had temporary appointments with the City of Long Branch in 2014, 2016, 2017, and 2018 as a Cashier, in 2019 as a Laborer 1, and in 2020 as a Security Guard. These positions were recorded as seasonal and began in May and ended in October of the noted year. No other appointment was recorded after 2020.

council member, a teacher/coach/city beach manager, a Lifeguard/Emergency Medical Technician, an ocean supervisor, a coordinator of special services, a student facilitator, a first aid and emergency squad captain, an assistant recreation director, a former principal and Board of Education member, and Police Officers. The appellant also contends that the Panel did not make “a single reference to” the appellant’s “extraordinary performance” as a “Beach Security Supervisor for over a decade” but noted one paintball incident and one occasion at a bar as a basis to refer him for independent evaluation. Moreover, the appellant emphasizes that there was no physical act of aggression during the bar incident and presents Dr. Gallina’s findings in his exceptions. Furthermore, the appellant notes that he provided an explanation to the Panel “in what he stated was an inappropriate reaction to what he viewed at that time to be the aggressive questioning of him by Dr. Dettle when he never experienced any type of a psychological interview before.” Additionally, the appellant argues that there is “not a scintilla of evidence” that his evaluations from work were less than forthcoming notwithstanding that his uncle is the superintendent. He asserts that he did not engage in any inappropriate behavior when he logged into the Panel meeting from his uncle’s office as he was having problems with his computer. In addition, the appellant maintains that the Panel failed to consider that he passed a “comprehensive background investigation” and that he received a conditional offer of employment pursuant to the Americans with Disabilities Act when he was subjected to a psychological examination. He sets forth the investigator’s comments who concluded that nothing in the appellant’s background “would preclude [him] for consideration of employment with this agency as a Police Officer at this time.” Thus, the appellant submits that there is “no reasonable basis” for the Panel’s recommendation, and rather, he should be restored to the subject eligible list. Lastly, the appellant argues that the Panel was not in compliance with *In re Vey*, 124 *N.J.* 534 (1991) and 135 *N.J.* 306 (1994), as “Dr. Dettle did not even attempt to establish, by any professionally accepted methods, that the tests administered by her were predictive of or correlated to police work” and “that there were few negative psychological findings . . . and there were no conclusions that there were any traits or characteristics, shown by intensive testing, that provided a substantive basis for disqualifying” him. As such, the appellant asserts that there is no support for the Panel’s recommendation that he undergo an independent psychological evaluation. Therefore, the appellant maintains that the Panel’s recommendation should be rejected, and his appeal be granted.

It is noted that the Panel’s Report and Recommendation had been sent to the appointing authority and the City Labor Attorney, Allan C. Roth, Esq., on May 13, 2022, by email. The appellant’s exceptions were sent to the Commission by email on May 23, 2022, with a copy to the appointing authority and to its attorney. On June 1, 2022, the original was received by the Commission. On June 14, 2022, the attorney’s office contacted this agency inquiring as to the possibility of filing cross exceptions as it was outside the five-day time period to file cross exceptions and was advised to submit a request. Thereafter, by email on June 23, 2022, the attorney

made a “formal request for an extension to July 31, 2022” to file cross exceptions since he had “conflicting schedules” “along with leaves of associates assigned to the municipal section of the firm.” He indicated that the appellant and his attorney consented to the request.<sup>2</sup>

## CONCLUSION

*N.J.A.C. 4A:4-6.5(g)3* provides, in relevant part, that the Panel shall prepare a written Report and Recommendation for the Civil Service Commission (Commission) and that the appellant and the appointing authority shall be provided with copies of the Report and Recommendation. Additionally, both parties may file written exceptions with the Commission within 10 days of receipt of the report and cross exceptions within five days. *See N.J.A.C. 4A:4-6.5(g)3ii*. Additionally, *N.J.A.C. 4A:4-6.5(g)4* states that, in appropriate cases, the Commission may refer an appellant for an independent professional evaluation.

Initially, the appointing authority requested an extension to file cross exceptions. However, despite that it and its attorney were sent the Panel’s Report and Recommendation on May 13, 2022, and were sent the appellant’s exceptions on May 22, 2022, at no time within the 15-day time period to file exceptions and cross exceptions did it request an extension. Rather, it contacted this agency on June 14, 2022, a month after the Panel’s Report and Recommendation had been sent, and made its “formal request” for an extension on June 23, 2022, a month after the exceptions were filed. As such, the appointing authority’s request is untimely, and thus, denied. Further, regardless of whether the appellant’s attorney consented to the extension, the reason for the request, *i.e.*, “conflicting schedules” and “leaves of associates,” would not warrant over a one-month extension to July 31, 2022 (from the June 23, 2022 request), when the regulation only provides for a five-day period.

Regarding the matter at hand, the Commission has reviewed the Panel’s Report and Recommendation and the exceptions filed on behalf of the appellant and does not find the appellant’s exceptions to be persuasive. Rather, the Commission relies on the expertise of the Panel and is persuaded that an independent psychological evaluation is necessary.

In that regard, the Commission emphasizes 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. In this case, although the appellant depends on the fact that he passed his background check and relies on Dr. Gallina’s evaluation and his letters of

---

<sup>2</sup> No cross exceptions were filed by the requested date of July 31, 2022.

recommendation, the Panel found that the appellant presented as not “genuine” and exhibited behavior consistent with the concerns of Dr. Dettle. Her concerns included the appellant being defensive and arrogant, having “limited self-awareness in his interpersonal presentation,” and having problems with “social competence,” authority, “impulse dyscontrol and poor judgment.” Of note to the Panel, as well as the Commission, was the appellant’s recent conduct during his pre-appointment psychological evaluation where he “stopped in the lieutenant’s office to provide negative feedback” about Dr. Dettle’s questioning of him during his interview. The Panel found that the incident was an example of the appellant “behaving in an entitled manner.” The Panel also alluded to a sense of entitlement when the appellant used his uncle’s computer.

In his exceptions, the appellant notes that he provided an explanation to the Panel “in what he stated was an inappropriate reaction to what he viewed at that time to be the aggressive questioning of him by Dr. Dettle when he never experienced any type of a psychological interview before.” However, the appellant’s reaction and his explanation remain troubling because, as a Police Officer, he will experience various degrees of conflict and what is or perceived as “aggressive” behavior to which he must react appropriately and not have “impulse dyscontrol” or “poor judgement.” Moreover, in another incident at the bar, which the appellant underscores had no physical aggression, the appellant’s reaction in apparently “knowingly defying an officer after he was asked to leave” might also be an example of “impulse dyscontrol” or “poor judgement” or another underlying personality trait that is not conducive to one who is seeking a position as a Police Officer. Thus, although the appellant passed the background check and may have positive letters of recommendation, he must be evaluated based on the psychological characteristics needed to successfully perform the essential functions of a Police Officer. Accordingly, the Commission does not find a basis to reject the Panel’s recommendation.

Furthermore, in response to the appellant’s other arguments, the Panel was sent the record in this matter, which includes any letters of recommendation that were submitted by the appellant. In its report, the Panel lists the “ADDITIONAL DOCUMENTS REVIEWED,” including the various submissions of the appellant along with enclosures. Thus, while the appellant argues that the Panel failed to consider the significance of the letters of recommendation, the Commission is not persuaded that the Panel disregarded them. Even if the Panel did not place much weight on these letters, it does not render its recommendation faulty since, as set forth above, there is sufficient reason to refer the appellant for an independent psychological evaluation. Moreover, the appellant relies on *Vey, supra*, arguing that “Dr. Dettle did not even attempt to establish, by any professionally accepted methods, that the tests administered by her were predictive of or correlated to police work” and “that there were few negative psychological findings . . . and there were no conclusions that there were any traits or characteristics, shown by intensive testing, that provided a substantive basis for disqualifying” him. However, such an argument at

this juncture is premature as the record is not yet deemed to be fully developed. In other words, an independent evaluation of the appellant, including administering a personality test, may shed light as to whether these noted incidents demonstrate underlying traits that render the appellant psychologically unsuited for a Police Officer position or that the tests administered by Dr. Dettle should be considered invalid. Indeed, that is why the Panel recommended that the appellant be referred for an independent psychological evaluation.

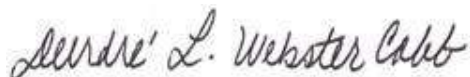
Lastly, it is emphasized that the Panel's observations regarding the appellant's appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants for Police Officers positions. Therefore, the Commission agrees with the Panel's recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist, which shall include an in-depth evaluation and the administration of personality measures, such as the MCMI test, to determine whether the appellant possesses a personality disorder or another trait that is adverse to the performance of the duties of a Police Officer and renders him psychologically unsuited for the position.

### ORDER

The Commission therefore orders that J.R. be administered an independent psychological evaluation as set forth in this decision. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's consideration of the evaluation, copies of the independent evaluator's Report and Recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

J.R. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance date on this determination to schedule an appointment. If J.R. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for a final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 24<sup>TH</sup> DAY OF AUGUST, 2022



---

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
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.R.  
Stephen B. Hunter, Esq.  
George S. Jackson  
Allan C. Roth, Esq.  
Dr. Robert Kanen  
Records Center  
Division of Agency Services  
Division of Appeals and Regulatory Affairs