



STATE OF NEW JERSEY

In the Matter of R.H.,
Fire Fighter (M1867W),
City of Pleasantville

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

CSC Docket No. 2022-2156

Medical Review Panel Appeal

ISSUED: May 24, 2023 (JET)

R.H. appeals his rejection as a Fire Fighter candidate by the City of Pleasantville and its request to remove his name from the eligible list for Fire Fighter (M1867W) 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 January 20, 2023, which rendered its Report and Recommendation on January 26, 2023. Exceptions were filed by the appellant.

The report by the Panel discusses all submitted evaluations. It notes that Dr. Matthew Guller, evaluator on behalf of the appointing authority, conducted a psychological examination of the appellant and characterized him as “friendly” and “well-mannered,” but indicated that the appellant had a history of being terminated from three jobs; using marijuana on three occasions; going to work drunk and experiencing problems with alcohol use; being involved with criminal charges as an adolescent; and experiencing financial problems, including having a car repossessed. The appellant reported to Dr. Guller that he had been employed full time at his current job since 2019; he was psychologically evaluated as an adolescent “to see if he was depressed;” engaged in therapy for one year approximately three years ago to address “a deep sense of loneliness;” and being prescribed Wellbutrin since February 2020 and finding that the medication made a “tremendous difference.” As a result of these concerns, Dr. Guller did not find the appellant psychologically suitable for employment as a Fire Fighter.

The Panel's report also indicates that Dr. David J. Friel, evaluator on behalf of the appellant, carried out a psychological examination and characterized the appellant as "alert, attentive and well-groomed" and showing "no signs of substance abuse nor psychological dissonance for the desired position in which he is applying." Dr. Friel concluded that, within a reasonable degree of psychological certainty, there was no compelling psychological reason to disqualify the appellant.

As set forth in the Panel's report, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The concerns of the appointing authority's evaluator centered on the appellant's job terminations and history of excessive alcohol use. The appellant's evaluator did not share these concerns. Although the Panel opined that the appellant had done an admirable job of addressing some of the issues for which he sought treatment, it noted that the appellant continues to experience problems with misuse of alcohol and has a repeated history of not meeting job expectations at work. In that regard, the Panel found that the appellant was terminated from a job as recently as 2019 due to using a cell phone at work; was "written up" as recently as 2021 for sleeping through a call to report to work; and admitted that he now drinks "six beers or less" in a three-hour period approximately once per month. Accordingly, 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 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.

In his exceptions, the appellant argues that the Panel has a misunderstanding with respect to his alcohol use, as he no longer drinks alcohol. In this regard, the appellant maintains that the reports indicate that he stopped drinking "heavily last year" (2022), but that is not true.¹ He realized in 2020 that it was necessary to make changes with regard to his alcohol use. The appellant contends that, although the reports also indicate that his alcohol use led to a conflict with his mother, he explains that the incident did not happen recently, but rather, it occurred when he was 21 years old.² The appellant also explains that, although the report focused on "some anger issues," he was able to recognize and eventually overcome these issues. The appellant asserts that he has never physically lashed out at anyone as a result of his alcohol use or anger issues. The appellant states that, although he reported that he consumed 12 beers and a bottle of tequila over the past year, he believed that he was being asked about his maximum consumption of alcohol in the past. The appellant explains that he was only being honest about his past when he was in his early 20s, and he has not been that person for many years. The appellant also contends that,

¹ It is noted that the Panel's report indicates that the appellant stopped drinking "heavily" "two years ago," which would place that date in 2021. The Panel meeting was in January 2023.

² The appellant is currently 31 years old.

although the report indicates that he was involved with two criminal charges as a juvenile, he was never arrested and, while summonses were issued against him, they did not constitute criminal charges. Additionally, the appellant explains that he is now taking prescription Wellbutrin, which has made a difference in his behavior and overall life. The appellant asks that he not be judged by his past behavior and hopes that his truthfulness with respect to his history does not misrepresent the person who he is today. The appellant would like the opportunity to serve as a Fire Fighter so that he can make a difference in the community. In support of his statements, the appellant submits a letter of recommendation from his mother.

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 of the appellant relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission does not find the appellant's exceptions to be persuasive. In this regard, although the appellant appears to have steady employment and suggests that he has not used alcohol since 2020, the Commission agrees with the Panel's concerns pertaining to the appellant's behavioral record, which includes job terminations and alcohol misuse, and as such, make him an unfit candidate for Fire Fighter. Moreover, while the appellant may be successful at his current job, that position's duties do not compare with the responsibilities which the

appellant would perform as a Fire Fighter as set forth in the Job Specification. Nevertheless, the record also reflects that that the appellant was “written up” as recently as 2021 for sleeping through a call to report to work. In addition, the appellant was terminated from a job as recently as 2019 due to using a cell phone at work. The Panel determined that the appellant’s repeated history of problems with meeting expectations at his place of employment, as well as his admission that he now drinks “six beers or less” in a three-hour period approximately once per month, evidences that he does not possess the mental fitness to perform the duties of a Fire Fighter.

Under these circumstances, the Commission rejects the appellant’s argument that the psychological reports have mischaracterized him despite that he merely provided truthful answers. It is noted that, although the appellant challenges the Panel’s finding about his current alcohol consumption, he has not successfully persuaded the Commission that the negative aspects of his undisputed behavioral record renders him psychologically unfit for the position of Fire Fighter as determined by the Panel. It is emphasized that, prior to making its Report and Recommendation, the Panel conducts an independent review of all 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, 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 that the record supports the findings of the Panel and the appointing authority’s evaluator of the appellant’s problematic behaviors. As such, the Commission agrees with the Panel’s assessment that the appellant is not psychologically suitable for employment as a Fire Fighter. Accordingly, based on the foregoing, the Commission cannot ratify the appellant’s psychological suitability to serve as a Fire Fighter.

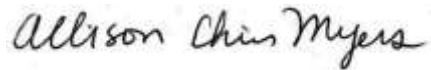
Therefore, having considered the record and the Panel’s Report and Recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions contained in the Panel’s Report and Recommendation and denies the appellant’s appeal.

ORDER

The Commission finds that the appointing authority has met its burden of proof that R.H. 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 24TH DAY OF MAY, 2023



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