



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of N.R.,
Fire Fighter (M1813W), Clifton

CSC Docket No. 2022-2387

Medical Review Panel Appeal

ISSUED: May 24, 2023 (DASV)

N.R., represented by Christopher L. Perkes, Esq., appeals his rejection as a Fire Fighter candidate by the Clifton and its request to remove his name from the eligible list for Fire Fighter (M1813W) 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 October 13, 2022, which rendered its Report and Recommendation on October 13, 2022. No exceptions were filed by the parties.

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 “social competence, judgment, conscientiousness, attention to safety, and impulse dyscontrol.” In that regard, Dr. Krista Dettle, the appointing authority’s psychological evaluator, referenced the appellant’s police involvement in the last two years with respect to four interpersonal conflicts with his girlfriend, neighbors/landlord, and brother. Dr. Dettle also noted that the appellant had been terminated from his brother’s company due to disputes. Moreover, Dr. Dettle found that the appellant had a poor driving record and credit history. On psychological testing, the appellant was found to be someone who was likely to perform poorly on the job and in the 89th percentile for the probability that he would be rated a poorly suited candidate by psychologists with expertise in public safety screening. Therefore, based on her findings, including the results of the psychological testing, Dr. Dettle did not recommend the appellant for appointment as a Fire Fighter.

However, the appellant's psychological evaluator, Dr. Thomas D'Amato, found the appellant suitable for appointment. Dr. D'Amato stated that the appellant is a volunteer Fire Fighter and appeared to be "truthful" and "honest," elaborating on the incidents where he had arguments with his girlfriend and neighbors. He noted that the appellant had no current legal issues. Moreover, Dr. D'Amato found the appellant to be remorseful about the past incidents in question and that he had "learned from them." Therefore, he concluded that the appellant possessed "the qualification and the will and also the aptitude to become a firefighter."

At the Panel meeting, the appellant was questioned regarding his employment and the incidents where police were called. He explained that his brother felt it was necessary to call the police to watch him empty the company truck that he had driven while he was serving a one-week suspension. Moreover, the appellant indicated that his girlfriend "was getting loud" at a party where they were having a verbal altercation. The party hosts were concerned that the neighbors would complain. Additionally, the Panel questioned the appellant about his driver's record, which included an arrest for reckless driving. However, the appellant maintained that he was never charged with anything but needed to pay a fine. Moreover, regarding the appellant's alcohol use, the Panel indicated that the appellant had self-reported on his pre-employment biographical summary that he has one to two drinks on a typical non-work day and that he consumed 10 to 12 drinks in one outing, which included drinking "maybe" 10 times a year during "an all-day event." Furthermore, the Panel noted that the appellant was a volunteer Fire Fighter for over 10 years and had previously held lieutenant and captain positions. The appellant stated that he reported to 80% to 90% of calls where the fire department required reporting to a minimum of 60% of calls. Based on its review of the evaluations, as well as the appellant's appearance before it, of most concern to the Panel was the appellant's use of alcohol and whether alcohol had been involved in the various incidents where law enforcement was called. Therefore, the Panel recommended that the appellant undergo an independent evaluation, which should focus on the appellant's alcohol use.

CONCLUSION

The Civil Service Commission (Commission) has reviewed the Report and Recommendation of the Panel. It notes 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. However, it was unable to render a determination of the appellant's psychological suitability for a career service Fire Fighter position given the concerns it had with his alcohol use and whether alcohol had been involved in the incidents where law

enforcement was called. Therefore, the Commission agrees with the Panel's recommendation for the appellant to undergo an independent psychological evaluation, which shall include an in-depth assessment of the appellant's alcohol use given the Panel's concerns. Accordingly, the Commission refers the appellant for an independent psychological evaluation by a New Jersey licensed psychologist.

ORDER

The Commission therefore orders that N.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 the parties with the opportunity to file exceptions and cross exceptions.

N.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 N.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 24TH DAY OF MAY, 2023

Allison Chris Myers

Allison Chris Myers
Acting Chairperson
Civil Service Commission

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