



STATE OF NEW JERSEY

In the Matter of Brent
Meinsenhelter, Battalion Fire Chief
(PM2480E), Ocean City

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

CSC Docket No. 2024-265

Examination Appeal

ISSUED: March 20, 2024 (ABR)

Brent Meisenhelter appeals the multiple-choice portion of the promotional examination for Battalion Fire Chief (PM2480E), Ocean City.

The appellant took the subject promotional examination, which was administered on June 27, 2023. This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios: Supervision, Administration and Incident Command. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission (Commission), which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data.

The appellant challenges his scores for the written portion of the subject examination. Specifically, the appellant challenges Questions 11, 17, 39 and 59.

CONCLUSION

Questions 1 through 11 involve a response to a fire at a church where the candidate is the first arriving officer on scene and establishes command. The scenario states that the pastor of the church reports that no one should be inside of the building.

Question 11 indicates that after the fire has been extinguished, flames are still found to be burning from a broken pipe. The question then asks for the best way to extinguish the flames. The keyed response is option b, to shut off the gas and protect exposures. The appellant argues that the best response was option a, to shut off the gas and use a hoseline on the flames. In support, he cites the statement in John Norman, *Fire Officers Handbook of Tactics* 504 (5th ed. 2019), that “[t]he gas should only be extinguished when control of flow is assured. Preferably, the fire will be extinguished by turning off the supply, but if necessary to save a life, water streams, dry chemicals, or CO₂ may be used . . .”

In response, Vincent Dunn, *Collapse of Burning Buildings* 323 (2nd ed. 2010) states:

If flames are discovered still burning at a gas meter or broken pipe after the fire has been knocked down, do not extinguish the flame. Let the fire burn, protect exposures with a hose stream, and alert command to shut off the gas at the cellar or street control valve. Be patient and wait for the flame to self extinguish once the residual gas in the pipes has burned away.

Based upon the foregoing, it would not be advisable to extinguish the flames with the hoseline. As a result, option a is incorrect. Further, the scenario where the passage from *Fire Officers Handbook of Tactics* states that water streams, dry chemicals or carbon dioxide *may* be used is “if necessary to save a life.” The fact pattern for the scenario does not suggest that any lives are at risk. Therefore, the record supports Question 11, as keyed.

Questions 12 through 23 involve a response to a fire at a high-rise commercial office building. The candidate is the first arriving officer on scene and establishes command. One person fleeing the building informs the candidate that the fire is on the tenth floor. Other bystanders report smoke on floors 9 through 13.

Question 17 provides that the candidate has determined that crews should use the elevators in order to best access the fire area and it asks which floor is the best for crews to exit the elevators. The keyed response is option a, the seventh floor. On appeal, the appellant argues that the best response was option b, the eighth floor. In this regard, he maintains that based upon Norman, *supra* at 468, because the eighth floor was two floors below the fire, the eighth floor was the best answer.

In reply, Norman, *supra* at 468, states “[a]ttempt to determine the fire floor accurately before selecting an elevator bank to use. Where smoke is reported on several floors, get off two floors below the lowest reported floor . . . Get off at least two floors below the lowest level of the access stairs if they also serve the reported fire

floor.” Here, since the lowest reported floor with smoke was the ninth floor, per Norman, *supra*, the seventh floor is the floor where firefighters should exit the elevators. Therefore, the Commission finds that Question 17 is correct as keyed.

Questions 37 through 48 present a situation where the candidate is the first arriving officer who establishes command at a movie theater after a reported explosion.

Question 39 asks what minimum fire-resistance rating the candidate can expect for the wall separating two of the theaters. The keyed response is option b, one hour. On appeal, the appellant contends that the best response was option c, two hours. In support, the appellant cites Glenn P. Corbett and Francis L. Brannigan, *Building Construction for the Fire Service* 404 (6th ed. 2021), which states that theaters “must have a fire resistant proscenium curtain, flame resistant mercenary, heat vents over the stage, 2 hour fire separations between the stage and appurtenant rooms.”

In reply, Corbett and Brannigan, *supra* at 144, provides that “[f]ire partitions are typically 1-hour fire resistance-rating and are used to separate tenant spaces in covered mall buildings. They are defined in the IBC as ‘a vertical assembly of materials . . . designed to restrict the spread of fire in which openings are protected.’” Critically, the passage cited by the appellant refers to theaters used for stage performances, not movie theaters like the one presented for the subject scenario. As such, the wall separating the theaters referenced in Question 39 could only be expected to have a one-hour fire resistance rating. Consequently, the appellant has failed to sustain his burden of proof for Question 39.

Questions 59 to 70 pertain to a fire at an abandoned residential building built in 1982 which was made of wood-frame construction and featured vinyl siding and an attic space.

Question 59 asks, based on the description in the scenario narrative, whether the candidate should perform a primary search. The keyed response is option d, yes, due to the possible occupant. On appeal, the appellant asserts that the best response was option a, no, because of the neighbor reporting that there were no people inside. In support, he cites Vincent Dunn, *Safety and Survival on the Fireground* 63 (2nd ed. 2015), which states that “[s]earching a serious structure fire before the hoseline is operating should only be done when a victim is seen or heard, not just when there is a vague report of a trapped victim.” He adds that there is a risk/benefit decision of “[d]o not send a good life into danger in order to save no life, or just the possibility or chance of saving a life” and that a victim must be seen or heard. Further, the appellant presents that Dunn, *supra* at 345, indicates that vacant building hazards can be fatal for firefighters because of their unpredictable nature and that the rate of firefighter deaths per 100,000 fires is greater in vacant buildings than in offices,

stores and occupied buildings. He proffers that since doors, walls and floors may be missing or ineffective, it can allow for the rapid and unexpected spread of fires. He further submits that Norman, *supra* at 493, states that the “use of exterior streams is preferred at all times, something not ordinarily done in occupied buildings. What you must keep in mind, though, is that *we are the only life hazard in vacant buildings*” (emphasis in original). The appellant further proffers that Norman, *supra* at 79, indicates that:

An additional exception should be made in the case of vacant and abandoned buildings. If it is less punishing on the firefighters, and the fire won't seriously be extended by doing so, by all means attack the fire from whichever location will involve the least danger and discomfort. Fires in vacant buildings don't just happen. The worst effects are firefighter injury or death. The building that was abandoned by its owners is not a high-priority item in the scheme of things.

In reply, option a is incorrect because it would be erroneous to rely solely upon the word of the neighbor alone. Critically, because the prompt indicates that the building is only partially boarded up, it means that people can still get into the building and there is still a need to conduct a search. Indeed, several sources note the likelihood that such a fire was set by a person inside of a building. Notably, Norman, *Fire Officer's Handbook of Tactics, supra* at 79, states that “[f]ires in vacant buildings don't just happen. They are set for a variety of reasons” and Dunn, *supra* at 4 notes that “[i]n a vacant building . . . [h]omeless people and drug addicts take shelter in these structures and start deadly fires.” Beyond this, Dunn, *supra* at 63, speaks in the context of “[s]earching a *serious* structure fire” (emphasis added). The fact pattern does not suggest that the fire is serious at the time of the candidate's arrival, as it only reports smoke coming from first floor windows on Side D. For these reasons, a primary search should be conducted due to the possible occupant and the keyed response is the correct response.

CONCLUSION

A thorough review of the appellant's submissions and the test materials reveals that the validity of the keyed responses to the challenged questions are amply supported by the record and the appellant has failed to meet the burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 20TH DAY OF MARCH, 2024

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