



STATE OF NEW JERSEY

In the Matter of D.A.
Police Officer (M0039D), Elizabeth

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

CSC Docket No. 2024-444

Medical Review Panel Appeal

ISSUED: April 9, 2025 (BS)

D.A., represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by Elizabeth and its request to remove his name from the eligible list for Police Officer (M0039D) 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 May 3, 2024, which rendered its Report and Recommendation on May 10, 2024. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. Dr. Richard Cevalasco, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and noted that the appellant endorsed items which were consistent with individuals who display below average levels of assertiveness and may tend to acquiesce. Although there were no indications of gross psychopathology during the evaluation, Dr. Cevalasco characterized the appellant as being prone to intimidation by others and that he may subordinate his desires to the desires of others. Dr. Cevalasco indicated that, while the appellant was cooperative in responding to questions, the content of his speech lacked depth and substance. Specifically, the appellant's insight into his own behavior was "minimal." Test data revealed that the appellant was guarded, attempted to portray himself in a favorable light, and that he minimized his shortcomings. Additionally, his IQ assessment revealed that the appellant was below average in intelligence. Dr. Cevalasco noted that a Police Officer needed to take control of chaotic situations in an assertive and initially non-

aggressive manner. Further, a Police Officer needed to be firm and not back down, which test data indicates would be problematic areas for the appellant. Dr. Cevalasco concluded that the appellant would have difficulty meeting the demands of a law enforcement officer and did not recommend him for appointment.

Dr. Nancy Gallina, evaluator on behalf of the appellant, carried out a psychological evaluation and indicated that the appellant's mental status examination was "objectively" normal with no signs or symptoms of pathological mood disturbance. In that regard, there were no signs of anxiety or depression, active or passive suicidal or homicidal ideations, psychosis, delusions, hallucinations, phobias, obsessions, or neurocognitive disorder. Dr. Gallina noted that the appellant had never been evaluated or treated by a psychiatrist and that he is functioning well psychologically. Aside from one domestic incident when he was 17 years old, Dr. Gallina stated that the appellant had no criminal or legal history, as no charges were filed as a result of that incident. Dr. Gallina further noted that the appellant had never been terminated from a job and appeared to manage his debts responsibly. According to Dr. Gallina, the record demonstrated that the appellant had been a productive member of society. In Dr. Gallina's psychological opinion, with reasonable psychological certainty, the appellant was psychologically suitable to serve as a Police Officer.

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. Dr. Cevalasco raised concerns about the appellant's ability to be assertive, which could lead to his inability to control a chaotic situation. Moreover, the Panel reviewed the appellant's disciplinary letter while working at FedEx when he disobeyed a directive from his supervisor to return to his work area. In that regard, the appellant complained to his supervisor that his co-worker had not been performing the appropriate share of the workload. The appellant explained that he did not want to "confront the individual" but that he should have followed through with what he had been told to do. The Panel found this incident to be illustrative of the concerns regarding assertiveness noted by Dr. Cevalasco. The Panel noted that the appellant had been employed since 2019 as a dangerous goods agent for FedEx and had not received any promotions nor did he supervise anyone. No further incidents were reported. Taking into account the evaluations of Drs. Cevalasco and Gallina, the test data, and the appellant's appearance before the Panel, the Panel concurred with the findings of Dr. Cevalasco and found the appellant not psychologically suitable to serve as a Police Officer.

In his exceptions, the appellant states that he had passed a comprehensive background check which did not result in his rejection as a candidate by the Elizabeth Police Department. Had he not passed the background check, he would not have been required to undergo the psychological evaluation. In that regard, the appellant emphasizes that his background substantiates his social competence, team

orientation, adaptability and flexibility, management skills, leadership, conscientiousness and dependability, impulse control and attention to safety, integrity and ethics, emotional regulation and stress tolerance, decision making and judgment, assertiveness and persuasiveness, and absence of signs of substance abuse or other risk taking behavior. He also highlights a letter of recommendation from his supervisor, which contains a description of the appellant's work ethic and leadership. Further, the appellant argues that the Panel failed to take into account the significance of the Inwald Personality Inventory-2 Report which predicted that he would be a successful candidate in a public safety/security capacity. Additionally, the appellant contends that the Panel failed to consider the appellant's bilingual abilities,¹ which would be an asset to the Elizabeth Police Department. Finally, the appellant argues that neither Dr. Cevasco nor the Panel's Report and Recommendation complied with *In the Matter of Anastasia Vey*, 124 N.J.534 (1991) and 135 N.J. 306 (1994), which articulated that psychological evaluators had to adhere with "professionally acceptable methods" and that the tests had to be "predictive of or significantly correlated" with the element of work behavior that was being evaluated. Accordingly, the appellant submits that the Civil Service Commission (Commission) should reject the Panel's Report and Recommendation and restore him to the subject eligible list.

It is noted that the appointing authority relies on Dr. Cevasco's report and agrees with the findings and recommendation of the Panel.

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.

¹ It is noted that the position sought is not for a bilingual title.

The Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. In this regard, the Commission notes that 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. The Panel's observations regarding the appellant's behavioral history, 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 for law enforcement positions.

The Commission finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel. In this regard, the Commission finds the appellant's reliance on the predictions of the Inwald Personality Inventory-2 Report not to be compelling, as this is only one of the assessment tools utilized. *See e.g., In the Matter of A.F.* (CSC, decided June 20, 2018) (Commission found that the independent evaluator did not fail to give the Inwald Personality Inventory-2 Report, which was in the appellant's favor, its proper weight, as the report itself emphasized that "this report is intended to be used as an aid in assessing an individual's suitability for a job in the public safety/security field. It is not intended as a substitute for a clinical interview, as a final evaluative report regarding a candidate's ultimate job suitability, or as a sole source for denying employment to an applicant"). With regard to *In re Vey, supra*, Dr. Cevasco had concerns about the appellant's ability to be assertive, which is clearly a job-related psychological characteristic. This was illustrated by the appellant's unwillingness to return to his work area as directed by his supervisor. The appellant also endorsed items that highlighted a below average level of assertiveness and a tendency to acquiesce. As set forth above in the job specification, a Police Officer candidate must possess the ability to find practical ways of dealing with a problem and to follow rules. A Police Officer must also be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd, which may prove to be chaotic. Under these circumstances, the Commission cannot ratify the appellant's psychological suitability for employment as a Police Officer at this time.

Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed on behalf of the appellant, 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 D.A. 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 9TH DAY OF APRIL, 2025



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