



**STATE OF NEW JERSEY**

In the Matter of A.C.,  
 Sheriff's Officer (C2421E),  
 Hudson County Sheriff's Office

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

CSC Docket No. 2025-339

Medical Review Panel Appeal

**ISSUED: September 10, 2025 (BS)**

A.C., represented by Robert K. Chewning, Esq., appeals his rejection as a Sheriff's Officer candidate by the Hudson County Sheriff's Office and its request to remove his name from the eligible list for Sheriff's Officer (C2421E) 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 December 13, 2024, which rendered its Report and Recommendation on December 19, 2024. Exceptions were filed on behalf of the appellant, and cross exceptions were filed on behalf of the appointing authority.

The report by the Panel discusses all submitted evaluations. Dr. Christopher Sbarrata, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and noted that the appellant presented with significant evidence of psychological liability, including issues with integrity/ethics, emotional regulation and stress tolerance, and substance abuse and other risk-taking behavior. Dr. Sbarrata noted discrepancies in the appellant's presentation during the interview and written accounts of his life history. For example, the appellant reported not ever being prescribed any medication for a psychological or emotional reason when, in fact, he supplemented the record by admitting that he had been prescribed medication for anxiety and depression. The appellant also provided medical records from a psychiatrist but failed to provide the originally requested paperwork pertaining to his months of regular mental health counseling (2021 to 2022). Dr. Sbarrata found this to be a deliberate attempt to conceal and suppress derogatory aspects of the

appellant's past behavior. As a result, Dr. Sbaratta viewed the appellant's entire self-reported history with skepticism.

Additionally, Dr. Sbaratta found the appellant to be defensive during his evaluation of the appellant. For example, the appellant was unwilling or unable to provide an area of personality weakness and was also defensive on personality testing. Psychological data supported Dr. Sbaratta's conclusions regarding the appellant. The appellant scored at a medium risk level for problems associated with honesty and integrity. The appellant scored low in social adjustment which reflects his overall capacity to work within a complicated interpersonal situation. It was noted that low scorers are less effective at navigating social requirements. The appellant was also moderately elevated on the Paranoia Ideation scale, which suggests someone who is overly distrusting of the motivation of others. Dr. Sbaratta offered that this result likely suggests a history of interpersonal conflicts which could translate to significant conflicts on the job, with other officers and the public. On the Personality Assessment Inventory, the appellant produced results in which he appeared to have responded to the testing in an overly defensive and minimizing way. The appellant produced a clinical elevation on the Mania-Grandiosity subscale, which is suggestive of an individual who is likely to be marked by elements of inflated self-esteem, expansiveness, and grandiosity. Finally, the appellant was 45 minutes late to his evaluation and only responded when Dr. Sbaratta's office reached out to him. As a result of these concerns, Dr. Sbaratta did not recommend the appellant for appointment.

Dr. Thomas D'Amato, evaluator on behalf of the appellant, carried out a psychiatric evaluation and indicated that, at this point in time, the appellant showed no evidence of mental disabilities. Dr. D'Amato found the appellant to be currently suitable and that he possessed the psychiatric characteristics that are deemed necessary to perform the duties of a Sheriff's Officer. Dr. D'Amato concluded that the appellant was stable and that it was his professional medical opinion that the appellant "is psychiatrically cleared at this point in time" to serve as a Sheriff's 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. Sbaratta cited concerns about the appellant's integrity, emotional regulation, stress tolerance, substance use, risk taking behavior, his forthcomingness during his interview, professionalism, and the psychological testing as the basis for his opinion that the appellant was not psychologically suitable for the subject position. Dr. D'Amato did not note the concerns expressed by Dr. Sbaratta and found that the appellant had no mental disabilities. The appellant presented before the Panel showing no overt signs of psychopathology such as psychosis or thought disorder. The appellant self-reported that he continued to work full-time for the Hudson County Parks Department without any disciplinary issues. The appellant explained that he

was late for his appointment with Dr. Sbaratta because he had been working and was “unaware” that his appointment had been scheduled. The Panel noted that, other than motor vehicle violations, which included being ticketed for not having a front plate, the appellant had no adverse contact with law enforcement since he was accused of harassment in middle school. The appellant stated that the accusation was found to be false and he was never charged. Regarding not having a front license plate, the appellant explained to the Panel that his car did not have a license plate bracket in the front, and he had not installed one. He said he was not aware that New Jersey required two plates. Moreover, the appellant informed the Panel that he was prescribed psychotropic medicines by Dr. D’Amato following his parents’ divorce and the death of his grandparents. However, he stopped taking this medication because it made him feel “fatigued.” The appellant then decided to try medical marijuana for stress and anxiety but stopped taking it for such purposes “in the last several months” and rather continued using marijuana “for social purposes until recently.” The Panel expressed concerns about the appellant’s use of marijuana and noted that changing the reason for using marijuana does not change its psychotropic effects. Additionally, with respect to the appellant’s explanation as to why he failed to display a front license plate, the Panel found to be reflective of immaturity. Taking into account the evaluations of Drs. Sbaratta and D’Amato, the test data, and the appellant’s appearance before the Panel, the Panel concurred with the findings of Dr. Sbaratta and found the appellant not psychologically fit to effectively perform the duties of a Sheriff’s Officer and that the appointing authority’s removal of his name from the subject eligible list should be upheld.

In his exceptions, the appellant states that neither Dr. Sbaratta’s 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. Further, in finding that the appellant was unfit due to concerns with immaturity, the appellant argues that the Panel ignored critical facts and the comprehensive psychiatric evaluation performed by Dr. D’Amato. Dr. D’Amato reported that the appellant “at times does use cannabis for medical reasons such as anxiety . . . and is slowly going to taper off the cannabis that he uses, as he feels that he does not need it any longer.” The appellant claims that this “inconsistency” cited by the Panel represents a difference of opinion as to what constitutes “several months,” the appellant has purchased his marijuana at legal dispensaries, and there is no evidence in the record to suggest his marijuana use has affected his social or occupational functioning, and there is absolutely no evidence of any substance abuse issues. In this regard, the appellant maintains that Panel has “erred” by failing to consider these facts and has raised “unspecified concerns” with the appellant’s marijuana usage. With respect to the failure to display a front license plate, the appellant explained the reason and states that he rectified the situation after being ticketed, which hardly rises to the level of establishing that he was

“immature.” He also points out that he did not intentionally remove his front license plate. Moreover, the appellant presents that his license has never been suspended or revoked, he has an excellent educational record, he is gainfully employed with Hudson County, and he has never been arrested for or convicted of a crime. The appellant argues that he not only has the maturity but the mental fitness to perform the duties of a Sheriff’s Officer and submits that the Civil Service Commission (Commission) should reject the Panel’s Report and Recommendation and restore him to the subject eligible list. In the alternative, the appellant requests that the Commission refers him for an independent psychological evaluation pursuant to *N.J.A.C. 4A:4-6.5(g)*4.

In its cross exceptions, the appointing authority, represented by Seraphema Menna, Esq., highlights that its evaluator, Dr. Sbaratta, is board certified in Police and Public Safety Psychology by the American Board of Professional Psychology while the appellant’s evaluator, Dr. D’Amato, does not specialize in law enforcement psychology and, in rendering his opinion, did not rely upon accepted selection devices which are commonly used to evaluate law enforcement candidates. The appointing authority notes that Dr. D’Amato is a psychiatrist who had been treating the appellant for years prior to the appellant’s applying for a position as a Sheriff’s Officer. Moreover, the appointing authority maintains that, although the appellant challenges the conclusion reached by Dr. Sbaratta, he has not challenged Dr. Sbaratta’s methodology or examination. In response to the appellant’s reliance on *Vey, supra*, Dr. Sbaratta’s evaluation lists 10 traits and characteristics which bear on the psychological fitness of a law enforcement candidate which include ethics and integrity; honesty; impartiality; abiding by laws, regulations, and procedures; the use of force; the presence of bias; and other factors necessary to successfully function in a law enforcement position. The appointing authority maintains that Dr. Sbaratta clearly identified the various traits and characteristics measured, along with other relevant psychological benchmarks, and concluded that the appellant was not a suitable candidate for the position.

With regard to the appellant’s marijuana use, the appointing authority contends that the fact that it is legal is “moot.” Like alcohol, marijuana still is the subject of substance abuse and proclivity for substance abuse is an explicit trait in considering a candidate’s psychological fitness for a position in law enforcement. The appointing authority emphasizes that both the Panel and Dr. Sbaratta found that the appellant exhibited signs of substance abuse. With regard to the appellant’s motor vehicle history, the appointing authority notes that, in addition to his failure to display a front license plate for which he received “two consecutive tickets,” the appellant failed to mention that he has also incurred tickets for failure to wear a seat belt, making an illegal U-turn, and speeding. Further, the appellant was involved in two motor vehicle accidents within the past three years, one of which he was found at fault, and he has only had his driver’s license for three years. The appointing authority also contends that the fact that the appellant received two tickets for not

having a front license suggests that the appellant “failed to learn from the experience” after receiving the first ticket. Thus, the appointing authority maintains that the Panel correctly concluded that the appellant’s behavioral record demonstrates immaturity, risk taking tendency, and impulse control. Lastly, the appointing authority underscores that the Panel expressed other concerns independent of the appellant’s substance use, motor vehicle violations, and immaturity as it took into account both doctor’s evaluations, the appellant’s presentation before it, the test results, and the appellant’s behavioral record. Therefore, the appointing authority requests that the Commission accept and adopt the findings of the Panel.<sup>1</sup>

## CONCLUSION

The Job Specification for the title, Sheriff’s Officer, is the official job description for such county positions within the Civil Service system. According to the definition section, incumbents perform one or more functions in the following areas: maintaining order and security in a courtroom, serving court processes, criminal identification, ballistics and investigation, and the apprehension of violators of the law. A Sheriff’s Officer may be assigned to perform other law enforcement or public safety related duties outside the parameters of a courtroom environment. Examples of work include the field and office work necessary to serve and execute warrants, writs, court orders, summonses, subpoenas, and other documents directed to the Sheriff; making arrangements for the sequestering of juries; guarding and transporting prisoners; testifying in court; collecting monies to satisfy legal debts as ordered by the court; taking fingerprints; analyzing, indexing and classifying fingerprints; examining bullets and fragments; testing fired weapons in evidence and comparing test bullets with those on the crime scene; conducting criminal and other special investigations; locating and apprehending violators of the law; conducting classes related to departmental functions; operating a variety of communication equipment; providing security at public functions and county facilities; and conducting search and rescue operations.

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. The appellant’s exceptions do not persuasively dispute the findings and recommendations of the Panel. The Commission finds the appellant’s arguments pursuant to *Vey, supra*, to be unfounded in that Dr. Sbaratta, as well as the Panel, clearly identified psychological traits which rendered the appellant psychologically unfit for

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<sup>1</sup> The appointing authority also requests that the appeal be dismissed, as it argues that the appellant’s exceptions are untimely. A review of the record reveals that the appellant’s exceptions were filed within 10 days of receipt of the Panel’s Report and Recommendation in accordance with *N.J.A.C. 4A:4-6.5(g)3ii*.

appointment. 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. In particular, as to the findings of the Panel and Dr. Sbaratta regarding the appellant's immaturity as evidenced by his behavioral record, the Commission notes that a candidate must be psychologically capable to undergo the training involved at the time of the candidate's consideration for appointment. *See e.g., In the Matter of M.R.* (CSC, decided December 18, 2019) (The Commission indicated that any prolonged or sustained level of maturity exhibited by a candidate after the psychological determination does not evidence that an appointing authority's removal of a candidate was in error). Accordingly, under the circumstances presented, there is no compelling reason to find that the appointing authority's action in removing the appellant from the subject eligible list was in error, and thus, there is no basis to refer the appellant for an independent psychological evaluation.

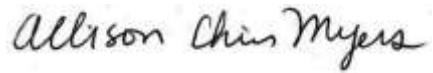
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed on behalf of the appellant and cross exceptions filed on behalf of the appointing authority, and having made an independent evaluation of the same, the Commission accepts and adopts 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 A.C. is psychologically unfit to perform effectively the duties of a Sheriff's 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 10<sup>TH</sup> DAY OF SEPTEMBER, 2025



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