



STATE OF NEW JERSEY

In the Matter of R.H., Police Officer :
(M2335E), Hamilton Township :

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

CSC Docket No. 2025-337

Medical Review Panel Appeal

ISSUED: September 10, 2025 (BS)

R.H., represented by Robert K. Chewning, Esq., appeals his rejection as a Police Officer candidate by Hamilton Township and its request to remove his name from the eligible list for Police Officer (M2335E) 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 16, 2024. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. Dr. Sandra Ackerman Sinclair, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and noted that the appellant was on time for the interview, although dressed overly casual. The appellant presented as well-mannered. The appellant reported to Dr. Ackerman Sinclair that he was currently working two part-time jobs as a waiter. Additionally, the appellant indicated that he had been terminated from a previous position for taking food without paying for it. Moreover, he denied any history of arrests and stated that he had been issued one motor vehicle summons for an expired registration. The appellant also denied any history of mental health treatment.

Dr. Ackerman Sinclair noted that the appellant reported consuming alcohol once a week, consuming four to five drinks per occasion. However, the appellant was initially “vague and somewhat guarded” when discussing his marijuana use, stating

that he first used marijuana when he was aged 17, self-reported that he used it at least once a week while in high school, and initially could not state when he last used it. Dr. Ackerman Sinclair found that the appellant provided vague responses when asked specific questions about his marijuana use. The appellant provided inconsistent responses when asked for details about his frequency and most recent use, although at one point estimating that he had used marijuana over 700 times. The appellant denied the use of any other drugs and denied any history of substance abuse treatment. Dr. Ackerman Sinclair further noted that the appellant denied any history of serious financial problems, although he reported that he began gambling at age 21, mostly via apps on his phone. However, the appellant self-reported that his father, after noticing some transactions on his bank statement, told him what he was doing was “stupid,” so the appellant deleted all of the gambling apps from his phone. Based on the above concerns, Dr. Ackerman Sinclair did not recommend the appellant for appointment.

Dr. Robert Kanen, evaluator on behalf of the appellant, carried out a psychological evaluation. The appellant wore a suit and tie during the evaluation and denied any history of mental health treatment, substance abuse treatment, and any history of arrests. The appellant worked two part-time waiter jobs and attended college while attempting to get a job in law enforcement. The appellant reported to Dr. Kanen that he had used marijuana 100 times and said that he had difficulty estimating the total number of times during the appointing authority evaluation. Moreover, the appellant stated that he had been terminated from a previous job for taking food without paying for it. The appellant explained that other employees took food and paid for the food with their next paycheck. Dr. Kanen found the appellant to be psychologically fit 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. Ackerman Sinclair raised concerns regarding the appellant’s poor decision-making and inconsistent or incomplete information during the application and psychological evaluation, especially regarding his marijuana use. The Panel found the appellant’s presentation before it to be consistent with Dr. Ackerman Sinclair’s assessment. In this regard, the Panel expressed concerns about the appellant’s judgment in the circumstances surrounding his termination. The Panel was further concerned with the contradictory assessment of the appellant’s marijuana use. When carefully questioned by the Panel, the appellant self-reported that he used marijuana between 50 and 100 times in his life. Given his previous admission of using marijuana at least weekly for several years, the Panel found his response not to be accurate. The Panel further noted that the appellant used marijuana when he was not of legal age to purchase it for recreational purposes. The Panel expressed concern that the appellant did not accurately assess his marijuana use despite this issue being raised as a concern during his evaluation conducted on behalf of the appointing authority. Further, the appellant’s gambling and use of gambling apps was of concern to the

Panel as this was also indicative of possible judgment problems. The Panel noted that honesty, integrity, and sound judgment are of greatest importance in law enforcement work. The Panel concluded that the appellant appears to have not matured and has not developed the judgment necessary to be a Police Officer. The Panel found the appellant's responses to its questions lacking the clarity and consistency that would be appropriate for a situation such as a Panel meeting. Taking into account the evaluations of Drs. Ackerman Sinclair and Kanen, the test data, and the appellant's appearance before the Panel, the Panel found the appellant not psychologically fit to effectively perform the duties of a Police 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. Ackerman Sinclair's evaluation 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. He maintains that the Panel ignored "critical facts." With regard to his termination, the appellant admitted he was wrong, that he had no intention of stealing, and claimed that paying for food later by having the cost deducted from a subsequent paycheck was based on an "unofficial policy" amongst other employees. The appellant contends that his termination was an isolated event, that he never had problems with any of his other five employers or any other disciplines or terminations, and that this one isolated incident does not establish that he has "questionable judgment." He notes that he has held employment while attending college full-time. The appellant further asserts that he was open and honest about his marijuana use and that Dr. Kanen found no evidence of substance abuse. He argues that the question regarding lifetime usage of marijuana "is a near impossible question to answer with certainty," and the Panel erroneously relied on this as a reason to find him unfit. Finally, the appellant argues that his gambling history has had no effect on his life. He pays off his credit card bills every month, is never late making payments, has a credit score of 780, and has never had any bills sent to collections. Based on the above, the appellant respectfully 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.

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.

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. In this regard, the Commission finds the appellant's reliance on *Vey, supra*, to be unfounded in that Dr. Ackerman Sinclair and the Panel clearly identified psychological traits which rendered the appellant psychologically unfit for appointment. These traits included issues with maturity, integrity, and judgment. Upon review of the data, the reports issued by Drs. Ackerman Sinclair and Kanen, and the Panel's evaluation, the Commission concurs with the findings of Dr. Ackerman Sinclair and the Panel. The inconsistency of the appellant's various responses regarding his marijuana usage and the fact that he was using it underage illegally are examples of the appellant's questionable integrity and judgment. Regarding maturity, the Commission emphasizes 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).

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.

Under the circumstances presented, the Commission finds no compelling reason to refer this 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 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 R.H. 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 10TH DAY OF SEPTEMBER, 2025



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