



**STATE OF NEW JERSEY**

<b>In the Matter of G.A.,</b>	<b>:</b>	<b>FINAL ADMINISTRATIVE ACTION</b>
<b>Police Officer (M2328E),</b>	<b>:</b>	<b>OF THE</b>
<b>Fair Lawn</b>	<b>:</b>	<b>CIVIL SERVICE COMMISSION</b>
<b>:</b>		
<b>CSC Docket No. 2025-828</b>	<b>:</b>	<b>Medical Review Panel Appeal</b>
<b>:</b>		
<b>:</b>		
<b>:</b>		

**ISSUED: December 17, 2025 (BS)**

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G.A., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by Fair Lawn and its request to remove his name from the eligible list for Police Officer (M2328E)<sup>1</sup> 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 August 1, 2025, which rendered its Report and Recommendation on August 4, 2025. Exceptions were filed on behalf of the appointing authority, and cross exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. Dr. David Liang, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and noted that the appellant presented as well-mannered, upbeat, and confident during his interview. The appellant was unemployed at the time of the interview. His most recent employment was as a full-time New Jersey State Trooper recruit from January 2024 until April 2024. The appellant was dismissed from the police academy due to a “potential candor issue.” One of the instructors believed that

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<sup>1</sup> It is noted that the Police Officer (M2328E), Fair Lawn, eligible list promulgated on November 16, 2023, and expired on November 19, 2024. The appellant and nine eligibles were certified on August 12, 2024 from this eligible list. The certification (OL240887) was returned on October 30, 2024, and disposed November 1, 2024, with no appointments. The appellant was removed, while other candidates were also removed or bypassed. The two remaining eligibles were interested but not appointed.

the appellant had cheated during a training scenario (the Terry Frisk procedure).<sup>2</sup> The appellant was one of three recruits who left the policy academy after an investigation. Prior to this, Dr. Liang noted that the appellant worked as a Correctional Police Officer with the Department of Corrections from January 2021 to January 2024. Background provided by the appointing authority revealed that, while employed by the Department of Corrections, the appellant was involved in a workplace violence investigation. The appellant denied any wrongdoing and was found not to have committed any wrongdoing. The appellant self-reported that he had left two previous positions due to violating company policy. The appellant left a job at a supermarket after he gave an employee a discount on a purchase, which was against company policy, and he left another job in 2016 after giving friends, who were not employees, discounts. The appellant denied any history of arrests or any motor vehicle license suspensions. However, the appellant reported having received “about six or eight” motor vehicles summonses, the most recent being issued in 2019. Dr. Liang was aware that the appellant had been psychologically evaluated for law enforcement positions twice previously and had been recommended for hire both times. However, in this evaluation, Dr. Liang stated that the appellant had responded to the current round of psychological testing in an “overly defensive and minimizing fashion.” Dr. Liang did not recommend the appellant for employment as a Police Officer for Fair Lawn.

Dr. Sandra Morrow, evaluator on behalf of the appellant, carried out a psychological evaluation. Dr. Morrow characterized the appellant as reporting no history of mental health problems and denying any substance abuse problems. The appellant self-reported his two terminations, reiterating that one termination was for giving discounts to his friends and family and the second was for charging a co-worker less for a sandwich than it was priced. He left this position in lieu of termination. While employed as a Correctional Police Officer, he reported to Dr. Morrow that he was cleared of any wrongdoing after an investigation into a conflict that he had with another officer. The appellant resigned his position as a Correctional Police Officer when he accepted employment with the New Jersey State Police (State Police). However, the appellant self-reported that he was accused of cheating at the police academy when he “executed the training exercise perfectly.” The appellant was offered a “deal” in which he would not dispute his dismissal from the police academy and would be able to return to his employment at the Department of Corrections rather than pursue a career with the State Police. The appellant refused to take the “deal.” The appellant worked from April 2024 to December 2024 loading trucks and making deliveries for his stepfather. Although the appellant had been issued motor vehicle summonses, he never had his driver’s license suspended. Considering the foregoing, in Dr. Morrow’s opinion, with reasonable psychological certainty, the appellant was psychologically suitable to be employed as a Police Officer with Fair Lawn.

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<sup>2</sup> The Terry Frisk procedure is a limited pat-down search for weapons that Police Officers can conduct on a person they have lawfully stopped based on reasonable suspicion that the individual is armed and dangerous. *See Terry v. Ohio*, 392 U.S. 1 (1968).

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. Liang raised concerns regarding the appellant's two terminations from employment, dismissal from the police academy due to allegations of cheating, and his responding to some test items in a defensive manner. Dr. Morrow did not share these concerns. The Panel discussed the appellant's employment history with him. The appellant admitted that he used poor judgment when he inappropriately charged a co-worker and gave discounts to family and friends. The appellant emphasized that these incidents occurred a decade ago, and the Panel did not see a pattern of disciplinary problems in his employment history. The appellant had recently been working as a Behavioral Health Technician for the past four months and there was no evidence of performance problems in that role. The Panel questioned the appellant about his departure from the State Police and found his explanation for having knowledge of the Terry Frisk procedure to be "reasonable." However, the Panel noted that it did not have access to the actual report or investigation from that incident, and thus, there was no evidence to contradict the appellant's explanation. The Panel also explored the appellant's driving record and indicated that he had not had a motor vehicle ticket during the past seven years. After a review of the information, the Panel did not find sufficient evidence to warrant removing the appellant from the subject eligible list. Taking into account the evaluations of Drs. Liang and Morrow, and the appellant's appearance before the Panel, the Panel concurred with the findings of Dr. Morrow and found the appellant psychologically suitable for academy training and to serve as a Police Officer.

In its exceptions, the appointing authority, represented by Joseph A. Garcia, Esq., argues that the Panel inappropriately discarded the findings of the State Police investigation; the Panel's report fails to hold the appellant to the higher standard of conduct expected of law enforcement candidates; and the Panel's report fails to reconcile dishonesty with the job requirements of a Police Officer. The appointing authority contends that its evaluators at the Institute for Forensic Psychology (IFP) had reviewed the State Police investigation report, which indicated that the appellant's name was mentioned by other recruits for improperly talking about the exercise. It submits that a determination as to whether the appellant's termination was justified or whether his explanation was "reasonable" is not a psychological or psychiatric determination. Instead, it states that "it is a factual determination which far exceeds the role of the [Panel] and the scope of its evaluation." Additionally, the appointing authority maintains that the appellant was involved in an "unusual" Internal Affairs investigation while employed by the Department of Corrections that he failed to disclose when he applied to the State Police. The appointing authority asserts that the Panel's conclusion that the appellant did not have any disciplinary problems in the last year is contrary to the evidence and without basis. Further, the Panel did not hold the appellant's past dishonesty to the higher standard of personal accountability which is imperative when evaluating law enforcement candidates. The appointing authority refers to the Attorney General Internal Affairs Policies and Procedures, Section 9, which emphasizes the importance of candor and honesty in law enforcement work. The

appointing authority asserts that New Jersey case law has consistently upheld the removal of law enforcement officers charged with untruthfulness. Finally, the appointing authority argues that the appellant has a history of dishonesty, and his removal from the subject eligible list should be upheld.

In his cross exceptions, the appellant argues that the Civil Service Commission (Commission) should reject the appointing authority's exceptions and adopt the Panel's Report and Recommendation. In this regard, the appellant submits that the appointing authority failed to meet its burden of proof that the appellant was psychologically unsuitable for the position. The appellant claims that the appointing authority's exceptions were based on documents not previously provided to the appellant's counsel. The appointing authority failed to produce documents referred to in its evaluator's report which hindered the appellant's ability to formulate a response. The appellant contends that the appointing authority admitted that the appellant's dismissal from the police academy was the basis of its removal request and that it was influenced by IFP's review of documents not made available to the appellant. The appellant asserts that IFP is unable or unwilling to disclose documents generated for other clients, in this case the State Police. The appellant maintains that this violates *N.J.A.C. 4A:4-6.5(d)1* which states, in pertinent part, that (d) upon receipt of a notice of an eligible's appeal, the appointing authority shall submit to the Commission, within 20 days, all background information, including any investigations and all complete medical, psychological, and/or psychiatric reports that were the basis for the removal request. The appointing authority shall also furnish to the appellant's attorney or to a New Jersey licensed psychologist or psychiatrist of the appellant's choice upon request all of the information supplied to the Commission. The appellant further argues that the Panel did not see incidents of dishonesty as rising to the level of disqualifying for a variety of reasons and requests that the Commission reject the appointing authority's arguments to the contrary. The appellant states that he was removed from police academy "for a potential candor issue" and was dismissed due to "suspicion" rather than actual charges. The appellant further indicates that all of these incidents were revealed through the appointing authority's background investigation, yet it extended the appellant a conditional offer of appointment anyway. The Panel considered the issues in context with everything else, including the appellant's success in various employment without incident. As a result, the appellant maintains that the Panel correctly concluded that he is psychologically suitable for a Police Officer position with Fair Lawn.

## 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 Police Officer and the duties and abilities encompassed therein and finds that the exceptions presented on behalf of the appointing authority not to be persuasive. Initially, it is noted that, upon reviewing the appellant's record and conducting a background investigation, the appointing authority had ample opportunity to request his removal at that point, rather than extending a conditional offer of employment. In order for a conditional offer of employment to be "real," the employer is presumed to have evaluated all information that is known or should have reasonably been known prior to rendering the conditional offer of employment and subjecting the appellant to a psychological evaluation. *See In the Matter of C.C.-J.* (CSC, decided July 31, 2019). In this case, there is no indication that the appointing authority was not aware of the appellant's work history. For instance, in IFP's report, Dr. Liang set forth information on the appellant's work history which the appointing authority provided. Despite this, a conditional offer of employment was made, conditioned on the appellant's psychological suitability for the position.

Upon review, the Commission concurs with the Panel and finds that the psychological traits which were identified and supported by test procedures and the behavioral record do not relate adversely to the appellant's ability to effectively perform the duties of a Police Officer. 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 this case, the Commission defers to the opinion of the Panel. With regard to the appointing authority's arguments concerning honesty and integrity, the incidents involving giving discounts and charging a co-worker less for an item are remote in time, having occurred almost 10 years ago, and the Panel found no pattern of such behavior

going forward. Further, the investigation at the Department of Corrections was concluded with no disciplinary charges filed or other actions taken against the appellant. As for the appellant's dismissal from the State Police academy, the Commission is not rendering a decision or making a factual finding in that regard. However, it is undisputed that the appellant was previously trained in law enforcement prior to his State Trooper recruit position and could have been knowledgeable on Terry Frisk procedures as he stated but was nevertheless dismissed from the academy. The Attorney General Internal Affairs Policies and Procedures, Section 9, emphasizes the importance of candor and honesty in law enforcement work. The Commission also underscores such traits. However, the incidents in the appellant's background do not sufficiently demonstrate disqualifying psychological traits at the time of his consideration for appointment which would render him unsuitable for the position. Additionally, the Commission is mindful that the appellant's suitability will be further assessed during his working test period by the appointing authority and will ultimately demonstrate whether he has the actual ability to successfully perform the duties of a Police Officer.

Therefore, having considered the record and the Panel's Report and Recommendation issued thereon, and the exceptions and cross exceptions filed by the parties, 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 grants the appellant's appeal.<sup>3</sup>

## ORDER

The Commission finds that the appointing authority has not met its burden of proof that G.A. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that the eligible list for Police Officer (M2328E), Fair Lawn, be revived, and the appellant's name be restored. Absent any disqualification issue ascertained through an updated background check conducted after a conditional offer of appointment, the appellant's appointment is otherwise mandated. A federal law, the Americans with Disabilities Act (ADA), 42 U.S.C.A. §12112(d)(3), expressly requires that a job offer be made before any individual is required to submit to a medical or psychological examination. *See also* the Equal Employment Opportunity Commission's *ADA Enforcement Guidelines: Preemployment Disability Related Questions and Medical Examination* (October 10, 1995). That offer having been made, it is clear that, absent the erroneous disqualification, the aggrieved individual would have been employed in the position.

Since the appointing authority has not supported its burden of proof, upon the successful completion of his working test period, the Commission orders that the

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<sup>3</sup> The appellant maintains that the appointing authority's failure to provide certain background material violates N.J.A.C. 4A:4-6.5(d)1. Since the Commission has granted the appellant's appeal, a determination in that regard is not necessary.

appellant be granted a retroactive date of appointment to October 30, 2024,<sup>4</sup> the latest date he could have been appointed if his name had not been removed from the subject eligible list. This date is for salary step placement and seniority-based purposes only. However, the Commission does not grant any other relief, such as back pay or counsel fees, except the relief enumerated above.

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 17<sup>TH</sup> DAY OF DECEMBER, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

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c: G.A.  
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Records Center  
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<sup>4</sup> As noted previously, there were no appointments made on the subject certification (OL240887) upon its return on October 30, 2024. Consequently, the appellant's retroactive date of appointment shall be effective October 30, 2024.