



STATE OF NEW JERSEY

In the Matter of J.G.,
Police Officer (M0395F),
Weehawken Township

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

CSC Docket No. 2025-2449

List Removal Appeal

ISSUED: April 8, 2026 (DASV)

J.G., represented by Timothy R. Smith, Esq., appeals his rejection as a Police Officer candidate by Weehawken Township and its request to remove his name from the eligible list for Police Officer (M0395F) on the basis of psychological unfitness to perform effectively the duties of the position.

The relevant facts are as follows:

1. The appellant's name was certified on January 16, 2025 from the Police Officer (M0395F), Weehawken Township, eligible list. In disposing of the certification, the appointing authority submitted documentation from its doctor that the appellant had not passed his psychological examination and requested the removal of the appellant's name. The request was approved and the certification was recorded as disposed on April 11, 2025, with the appellant being removed and seven appointments made, effective April 4, 2025.
2. In a letter postmarked May 1, 2025, J.G. filed a timely appeal, *pro se*, of his psychological disqualification. J.G. and the appointing authority were then sent letters, dated May 16, 2025, acknowledging the appeal.

3. In relevant part, the May 16, 2025 letter to J.G. advised him that if he wished to submit a report and recommendation from a New Jersey licensed psychologist or psychiatrist, he could do so within 90 calendar days from the filing of his appeal to the Civil Service Commission (Commission) pursuant to *N.J.A.C. 4A:4-6.5(e)*. Thus, the appellant's report was due on or before July 30, 2025. The letter also informed the appellant that if he needed an extension of the time period, he was to notify this agency in writing with the reason for the extension. It noted that the "[t]he time period for filing the report may only be granted for good cause."
4. In relevant part, the May 16, 2025 letter to the appointing authority requested that it provide the complete psychological and/or psychiatric report, which was the basis for the appellant's disqualification, as well as all tests, raw data, protocols, printouts, and profiles within 20 days of the date of the letter. The appointing authority was also advised that, pursuant to *N.J.A.C. 4A:4-6.5(a)2*, its request for removal may be denied where such complete psychological and/or psychiatric report and recommendation is not provided as requested.
5. Thereafter, the appellant retained counsel. By letter, dated June 5, 2025, the appellant's attorney advised of his representation of the appellant. In an email, dated June 10, 2025, staff of the Division of Appeals and Regulatory Affairs (DARA) acknowledged receipt of the letter of representation and informed the appellant's attorney that the appellant's psychological evaluation was due on July 30, 2025.
6. By letter, dated June 24, 2025, the appellant's attorney requested the pre-appointment psychological report and tests. However, the appointing authority has not yet submitted the documentation in response to the appeal. On July 2, 2025, staff emailed the Township Clerk and copied the appellant's attorney, requesting the information. Follow-up inquiries on July 22, 2025 and July 25, 2025 were also made to appointing authority staff. In the July 22, 2025 email chain, staff reminded the appointing authority's staff to send a copy of the information to the appellant's attorney.
7. In letters, dated July 3, 2025, July 25, 2025 and July 29, 2025, the appellant's attorney requested an extension of the 90-day

time period and a dismissal of the appointing authority's request to remove him from the subject eligible list.

8. By email, dated July 8, 2025, staff advised the appellant's attorney that his July 3, 2025 letter was placed in the record. Staff also stated that "the submission of the appointing authority does not toll the 90-day time period for an appellant to submit an independent psychological report. An email was sent to Weehawken on July 2, 2025, following up on this matter and you were also copied."
9. In response to the July 25, 2025 and July 29, 2025 letters from the appellant's attorney, the current Director of DARA replied that, "as advised in the initial letter from this office and in a subsequent email, receipt of the appointing authority's submission does not toll the 90 days to submit a report. The report is considered an independent report of the psychological suitability of a candidate. Moreover, [J.G.'s] appeal was postmarked May 1, 2025, and you were advised that the due date for the report to be received by the [Commission] is Wednesday, July 30, 2025. Only good cause reasons shall extend the 90-day time period. Please note that the [Commission] has consistently found that a delay in the appointing authority's submission is not good reason to extend the time period. Please also note that we had acknowledged your request for dismissal and placed it in the record. A determination on that issue will be made."
10. Although appointing authority staff was directed to send a copy of the pre-appointment psychological report and tests to the appellant's attorney, the information was only forward to this agency on July 29, 2025. On August 1, 2025, staff mailed the report and tests to the appellant's attorney. The report was dated April 1, 2025, and indicated that the appellant had been administered psychological tests on March 28, 2025 and was interviewed on March 31, 2025. The appointing authority's doctor found the appellant psychologically unsuitable for the position of Police Officer. To date, the appellant has not filed an independent psychological report.

In this matter, the appellant's attorney requests an extension of time to submit the appellant's independent psychological report and a dismissal of the appointing authority's request to remove him from the subject eligible list due to its untimely submission of its pre-appointment psychological report and tests. Specifically, the

appellant's attorney states that he was retained by the appellant in early June 2025, which "limited the time available to schedule an appropriate evaluation and obtain a comprehensive written report." Moreover, he notes that, as of July 25, 2025, the appointing authority had not yet submitted the psychological report. However, "[a]lthough their delay has not impacted our ability to proceed, it continues to affect the appellant's status and contributes to the overall delay in resolving the matter." In addition, the appellant's attorney in his July 29, 2025 letter emphasizes that the appointing authority did not supply the required information for approximately three months past receipt of the notice of appeal and he had not yet received it as of that date. He maintains that "[t]his information is necessary for our psychologist to perform an evaluation of our client and for rebuttal purposes." The appellant's attorney also asserts that "it would be biased of the Commission to now refuse to allow our client the time to obtain an expert report, particularly when the Commission has yet to supply our office with the documentation from the appointing authority." Thus, for the foregoing reasons, he maintains that good cause has been presented to extend the 90-day time period for the appellant "to obtain an independent psychological evaluation by forty-five days and should furnish this office with the documentation provided by the appointing authority as soon as possible." As set forth above, on August 1, 2025, staff mailed the information to the appellant's attorney.

In his last submission, dated August 1, 2025, the appellant's attorney states that "it is strenuously our position that the requisite degree of 'good cause' has been established for the [Commission] to accept our client's independent psychological evaluation beyond the 90-day deadline based on principles of fundamental fairness and equitable discretion. Our client acted in good faith and made diligent efforts to schedule the evaluation within the allotted timeframe; however, as is often the case with highly regarded psychological professionals, limited appointment availability made timely submission impracticable despite early outreach. This delay was outside the client's control and not due to any neglect." Further, the appellant's attorney argues that the Commission is "statutorily requested to serve as an **unbiased and fair forum**, ensuring that no participant is disadvantaged by circumstances beyond their control." In addition, he states that *N.J.A.C.* 4A:10-1.1(c) prohibits any party from obstructing another person's lawful opportunity to pursue an appeal "ensuring due process must be protected even when deadlines are present." The appellant's attorney maintains that the appointing authority was permitted to submit the pre-appointment psychological report and tests "nearly three months late – without consequence." He restates his request for an extension of time to allow the appellant a "modest, **20-day extension** to submit his independent evaluation, which "would permit a meaningful opportunity to be heard without prejudice to the appointing authority or Commission efficiency."

CONCLUSION

N.J.A.C. 4A:4-6.3(b) provides that the appointing authority shall have the burden of proof in medical or psychological disqualification appeals. Moreover, *N.J.A.C.* 4A:4-6.5(d) states that:

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.

1. 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].
2. Any appointing authority failing to submit the required materials within the specified time may have its request for removal denied, and the eligible's name may be retained on the eligible list.

Additionally, in order to further facilitate the timely processing of these types of appeals, the Commission amended *N.J.A.C.* 4A:4-6.5(e), effective June 21, 2017, to require that the appellant, if he or she chooses to do so, to submit a report from a physician or psychologist/psychiatrist to rebut the appointing authority's report within 90 calendar days of filing of the appeal. *See* 49 *N.J.R.* 492(a) and 49 *N.J.R.* 2239(a). These timeframes were designed to facilitate the opportunity for the parties to establish a contemporaneous record of an eligible's medical or psychological condition at the time of appointment for the Commission to consider. In that regard, based on longstanding administrative practice, a psychological assessment for employment in law enforcement is only considered valid for one year. *See In the Matter of Aleisha Cruz* (MSB, decided December 19, 2007), *aff'd on reconsideration* (MSB, decided April 9, 2008).

Nonetheless, *N.J.A.C.* 4A:4-6.5(f) indicates that the Commission may extend the time period for filing the required reports for good cause. It is noted that, in accordance with Section 6 of Executive Order 103 issued in response to the COVID-19 pandemic, the Commission approved various emergency adoptions of temporary rule relaxations and modifications to *N.J.A.C.* 4A with respect to timeframes associated with administrative appeals. In particular, *N.J.A.C.* 4A:4-6.5(e) was modified to include the good cause provision found in *N.J.A.C.* 4A:4-6.5(f). *N.J.A.C.* 4A:4-6.5(e) previously stated that "[t]he appellant may submit to the [Commission] a report from a New Jersey licensed physician, psychologist, or psychiatrist of his or

her own choosing, which must be submitted within 90 calendar days of the filing of his or her appeal to the Commission.” Effective April 9, 2020, the regulation was modified and stated that “[t]he appellant may submit to the [Commission] a report from a New Jersey licensed physician, psychologist, or psychiatrist of his or her own choosing, which must be submitted within 90 calendar days, which may be extended for good cause, of the filing of his or her appeal to the [Commission].” The temporary modifications have since expired. Nonetheless, *N.J.A.C. 4A:4-6.5(f)* remains in force, providing the Commission with the authority to extend the time period for filing the required reports for good cause.

However, the 90-day time period to submit a psychological or psychiatric report is not contingent upon the filing of the appointing authority’s submission. *N.J.A.C. 4A:4-6.5(e)* specifically states that the appellant’s report must be filed within 90 calendar days *of the filing of his or her appeal*, notwithstanding that the time period may be extended for good cause. Furthermore, *N.J.A.C. 4A:4-6.5(g)* indicates that the Commission shall either conduct a written record review of the appeal or submit psychological appeals to the Medical Review Panel for its report and recommendation. In that regard, given the volume of psychological disqualification appeals historically received by the Commission, in conjunction with the fact that the Commission utilizes the Medical Review Panel, psychological medical professionals who review each case, the adjudication of psychological appeals can be a lengthy process. Specifically, the process consists of compiling the record which allows the appellant up to 90 days to submit an independent psychological evaluation as noted above; scheduling a meeting with the Medical Review Panel which meets to review a maximum of six cases; awaiting the Medical Review Panel’s report to be issued; permitting parties to submit exceptions and cross exceptions to the Report and Recommendation within 10 and five days of receipt, respectively; and issuing the Commission’s final determination. If the Commission determines that a candidate was improperly rejected for the position, the remedy provided is a mandated appointment to the position with a retroactive date of appointment for seniority and salary step purposes. Therefore, in order to ensure a fair process to all parties, it is imperative that the timeframes established throughout the process are strictly enforced.

In the instant matter, the appellant has not shown good cause reasons to extend the timeframe. Initially, as set forth above, the 90-day timeframe to submit an independent psychological or psychiatric report is a regulatory time period and not contingent upon the filing of the appointing authority’s submission. The appellant and his attorney were clearly advised of that. Further, although an appellant is provided with the opportunity to submit a report from a psychologist or psychiatrist to rebut an appointing authority’s report, an appellant’s evaluation may be conducted independently. Numerous appellants have submitted their independent report without their doctors reviewing the pre-appointment report or tests. Moreover, there is no prohibition for appellants to supplement the record after

their timely submission of the independent psychological or psychiatric report with a specific rebuttal from their independent evaluator of the pre-appointment report and tests. Thus, any argument in that regard is unpersuasive.

Moreover, *N.J.A.C.* 4A:4-6.5(d)1 does not operate to automatically deny a request for removal and allow the retention of an eligible on an eligible list. Rather, it provides that an appointing authority's failure to submit the required materials within the specified time **may** have its request for removal denied. In this case, given that there is a psychological finding of the appellant's unsuitability, the Commission cannot dismiss the appointing authority's request for removal of the appellant from the subject eligible list as the appellant argues. While the appointing authority was not timely, and should have been more diligent in that regard, the fact remains that it did submit the report and tests on appeal. It also provided the necessary documentation to dispose of the subject certification, which this agency recorded, approving the appellant's removal. Nonetheless, the appointing authority is well advised to be conscientious of the appeal process as the burden of proof in psychological disqualification appeals rests on the appointing authority. Thus, the timing of the appointing authority's submission in this case has no bearing on whether to grant the appellant's request for an extension and accept a psychological report from the appellant.

However, it is noted that, under certain circumstances, good cause could be established if an evaluation occurred prior to the due date, and through no fault of the appellant, the report was issued late and not forwarded to this agency. In this case, that did not occur. Rather, it appears that the appellant has yet to be evaluated. Furthermore, the lateness of the appellant's report is not reasonable or excusable. *See Appeal of Syby*, 66 *N.J. Super.* 460 (App. Div. 1961), *Atlantic City v. Civil Service Commission*, 3 *N.J. Super.* 57, 60 (App. Div. 1949) (describing the circumstances under which delay in asserting rights may be excusable). Among the factors to be considered are the length of delay and the reasons for the delay. *Lavin v. Hackensack Board of Education*, 90 *N.J.* 145 (1982). As noted above, the appellant had 90 days to submit his psychological report. In that regard, the appellant's attorney explains that "our client acted in good faith and made diligent efforts to schedule the evaluation within the allotted timeframe; however, as it is often the case with highly regarded psychological professionals, limited appointment availability made timely submission impracticable despite early outreach. This delay was outside the client's control and not due to any neglect." However, the Commission is mindful of an appellant's responsibility to begin securing a psychological evaluation as soon as an appeal is filed or even before that time in preparation for the appeal and to address any contingencies that may arise so that the 90-day regulatory timeframe may be met and so that the appellant does not face dismissal of the appeal, as only good cause can extend the time period. The appellant had the full 90 days to secure an evaluation. Nothing presented herein provides for an excuse for the delay.

Lastly, the Commission must balance the reasons for the delay and the effect of accepting a late report, as it is prejudicial to the appointing authority, and potentially a current employee, to allow an appellant's appeal to proceed. In that regard, the remedy provided to successful appellants in psychological disqualification cases is a mandated appointment to the position with a retroactive date of appointment for seniority and salary step purposes upon successful completion of the working test period. Should a position not be available, the last employee hired must be displaced. *See In the Matter of Stanley Kolbe, Jr.* (CSC, decided May 21, 2014) (Commission enforced prior order granting retroactive appointment to the appellant after a mandated appointment resulting from successfully appealing a failed psychological evaluation and dismissed the appointing authority's claims of fiscal constraints and a recent layoff when three employees who ranked lower than the appellant on the eligible list were not impacted by the layoff). As set forth above, the appellant has not provided sufficient reason for the delay, and accepting a late report would be prejudicial to the appointing authority and potentially to a current employee who had been appointed from the subject certification or later.

Therefore, the Commission denies the appellant's request for an extension of time to submit an independent psychological report as he has failed to provide good cause reasons to do so. The appointing authority has presented documentation that the appellant is psychologically unsuited for the position of Police Officer. Accordingly, there is no basis on which to grant the appellant's appeal of his psychological disqualification.

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 8TH DAY OF APRIL, 2026



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