



STATE OF NEW JERSEY

In the Matter of D.W.,
Fire Fighter (M2221D),
City of Elizabeth

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

CSC Docket No. 2026-373

Medical Review Panel Appeal

ISSUED: July 1, 2026 (BS)

D.W., represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by the City of Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2221D)¹ 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 February 20, 2026, which rendered its Report and Recommendation on February 27, 2026. 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. Richard Cevalasco, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and noted that the appellant was unemployed, having quit a job working as a laborer in construction, and was living over a bar since 2022, rent-free, with a couple of roommates. Regarding the behavioral record, Dr. Cevalasco indicated that the appellant had received eight motor vehicle citations from 2019 to 2021. Moreover, Dr. Cevalasco characterized the appellant as having low energy and a flat affect, evidencing a lack of attention to detail, and as presenting with “interfering anxiety.” The appellant’s anxiety and defensiveness were apparent during the interview, which significantly impacted his performance. The appellant also often fidgeted with his hands. Further, according to Dr. Cevalasco, the appellant’s

¹ It is noted that the eligible list promulgated on April 28, 2023 and expired on April 27, 2025.

behavior controls appeared “rigidly intact,” his judgment was “fair,” and his insight into his own behavior impressed as “poor.” The appellant also had difficulty in completing mental tasks such as counting backwards or recalling words in timed intervals. Additionally, Dr. Cevalasco noted that the appellant was “careless” when responding to test items which was indicative of emotional immaturity. Dr. Cevalasco opined that the appellant would have difficulty meeting the demands of a chaotic and potentially life-threatening situation which could put his life and those of fellow Fire Fighters at risk. Therefore, Dr. Cevalasco concluded that the appellant was unsuitable for appointment as a Fire Fighter.

Dr. Sandra Morrow, evaluator on behalf of the appellant, carried out a psychological evaluation and characterized the appellant as “humble, innocent, and motivated but naïve.” The anxiety, fidgeting, poor insight, and memory problems mentioned by Dr. Cevalasco were not found by Dr. Morrow during her evaluation. When Dr. Morrow explained the process early on to the appellant, and that it was not meant to be “grilling,” the appellant’s rigidity and unnatural behaviors ceased and he relaxed more. Dr. Morrow indicated that, to the appellant’s credit, his insight, rapid grasp of common sense, quick ability to learn, and his willingness to correct his perception and behavior, resulted in significant improvements during and after her evaluation. Dr. Morrow noted that the appellant sought and found employment in a physically demanding and technical job within five weeks of his evaluation. The appellant also retook an updated version of the standardized test and improved his score. Dr. Morrow opined that these traits and responses are most desirable and show a resilience to adversity that would be valuable in firefighting. Dr. Morrow also noted that the appellant’s knowledge of construction and diesel mechanics would also prove beneficial. Dr. Morrow concluded that the appellant presented with no significant psychological conditions. Accordingly, within a reasonable degree of psychological certainty, Dr. Morrow could find no reason why the appellant was not psychologically fit to serve as a Fire Fighter.

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 expressed concerns about the appellant’s presentation during the interview, his attention to detail, his anxiety, and how these things would impact his performance serving in the subject position. Dr. Morrow did not share these concerns about the appellant. Dr. Morrow, however, was initially concerned with the validity of the appellant’s personality test profile but, after advising him that he should approach the test in an open manner and relax, she re-tested him a few weeks later with a different version of the test. These results revealed no potential for “acting out,” and Dr. Morrow noted that the appellant had no history of such behavior. Moreover, during the Panel meeting, the appellant advised the Panel that he had recently been employed as a tower technician, which involves climbing to substantial

heights.² The Panel indicated that the appellant had been performing without incident in this potentially high-risk occupation that requires attention to detail related to safety. The appellant also reported to the Panel that he had not been in any fights as an adolescent or adult, alleviating concerns about elevated aggression scales on the psychological testing. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, indicated that the appellant is psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should not be upheld. The Panel recommended that the appellant be restored to the subject eligible list.

In its exceptions, the appointing authority, represented by Branka Banic, Special Counsel, asserts that the appellant had been “coached” by his father³ on how to respond to items on the personality testing and still failed Dr. Morrow’s first evaluation which indicated personality traits such as extreme defensiveness. Further, Dr. Morrow admitted to “coaching” the appellant prior to her testing him a second time. The appointing authority contends that despite being coached, the appellant was unable to “circumvent” the findings of Dr. Cevalasco. Even if the appellant’s past employment involved any issues, the appointing authority suggests that he would not have been likely to disclose it during the testing or interviews. Further, the appointing authority argues that, if the appellant could not bear the “hostile edge” of Dr. Cevalasco’s interview, it questions how he would hold up under the hostility, pressure, and gravity of facing an actual fire threatening the lives of real people. Further, the appointing authority alludes to proposed legislation to “criminalize” coaching candidates for law enforcement on how to pass psychological tests. The appointing authority also presents a “request for reconsideration” of the Panel’s Report and Recommendation from Dr. Cevalasco, who states that an evaluation’s accuracy depends on the lack of advanced preparation by a prospective candidate.⁴ The appointing authority argues that “the fact that a clinician authoring a report to present to the Panel openly concedes to coaching the candidate is objectively problematic and unacceptable.” Dr. Morrow’s positive assessment of the appellant is “rife with unsupported self-serving conclusions.” As a result, the appointing authority respectfully requests that the Panel reconsider its recommendation.

In his cross exceptions, the appellant contends that the appointing authority has falsely claimed that he was “coached” by Dr. Morrow, implying that she provided him with answers in advance. What Dr. Morrow actually did was to clear up his misperception of the testing process and to repeat and make sure he understood the

² The date in the Panel’s report as to when the appellant commenced his employment as a tower technician should be October **2025** and not 2026.

³ Dr. Cevalasco noted that the appellant’s “father is currently a firefighter for the city.”

⁴ The appointing authority acknowledges that the bill was not signed into law; however, it indicates that the bill underscores Dr. Cevalasco’s statement regarding advanced preparation.

instructions for the examination. As the results of the first test were “invalid,” after the instructions for taking the test were clarified and the appellant was made aware that the evaluation was not a “hostile grilling,” he was administered a different version of the test. The appellant presents a statement from Dr. Morrow “categorically” denying ever “coaching” a candidate with the correct answers on a test. Dr. Morrow notes that when a test is considered “invalid . . . it is appropriate or acceptable to assume that either the candidate misunderstood the directions, made mistakes in filling out the answer sheet or was ill or otherwise impaired on that testing date.” As such, it is “encouraged and ethical to retest a person.” Further, the appellant emphasizes that the Panel noted in his appearance before it that he did not demonstrate concerns regarding his psychological suitability. Finally, the appellant argues that the bill used as authority by the appointing authority was introduced several times but has yet to pass. Accordingly, the appellant urges the Civil Service Commission (Commission) to accept the Panel’s Report and Recommendation and grant his appeal.

CONCLUSION

The Job Specification for the title of Fire Fighter is the official job description for such positions within the Civil Service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical thinking when responding to many emergency situations. Examples include conducting step-by-step searches of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of water at a fire, adequately maintaining equipment and administering appropriate treatment to victims at the scene of a fire, *e.g.*, preventing further injury, reducing shock, restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and firefighting operations.

The Commission has reviewed the Job Specification for this title, the duties and abilities encompassed therein, and the Report and Recommendation of the Panel, which found the appellant to be psychologically suited to serve as a Fire Fighter. The Commission is not persuaded by the exceptions presented by the appointing

authority.⁵ In this regard, the Commission finds that clarifying the instructions for taking a psychological test falls short of actually coaching the appellant as to making the “correct” answers. Moreover, the Commission agrees with the expert opinion of the Panel. The Commission emphasizes that the Panel, which consists of qualified and licensed Psychologists and a Psychiatrist reviewed the raw test data, reports and opinions of Drs. Cevasco and Morrow, and rendered its own expert opinion in this matter. In other words, 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 Civil Service positions. The Commission defers to the expertise of the Panel in this matter. 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 Fire Fighter.

Therefore, having considered the record, including the Job Specification for Fire Fighter and the duties and abilities encompassed therein, the Panel’s Report and Recommendation issued thereon, and the exceptions filed on behalf of the appointing authority and cross 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 grants the appellant’s appeal.

ORDER

The Commission finds that the appointing authority has not met its burden of proof that D.W. is psychologically unfit to perform effectively the duties of a Fire Fighter and, therefore, the Commission orders that the eligible list for Fire Fighter (M2221D), City of Elizabeth, 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,

⁵ Although Dr. Cevasco technically is not a party to this appeal in order to request “reconsideration” of a decision, it is not improper for an appointing authority to seek the advice and input of its evaluator when filing its exceptions. However, the Commission underscores that the responsibility to prepare and file exceptions rests solely with the appointing authority or its authorized legal representative.

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 appellant be granted a retroactive date of appointment to August 4, 2025, the date he would 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 1ST DAY OF JULY, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: D.W.
Michael L. Prigoff, Esq.
Patrick Byrnes
Branka Banic, Special Counsel
Division of Human Resource Information Services