



STATE OF NEW JERSEY

In the Matter of N.T.,
Fire Fighter (M2211D),
City of Camden

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

CSC Docket No. 2024-1897

Medical Review Panel Appeal

ISSUED: July 1, 2026 (BS)

N.T., represented by Stuart J. Alterman, Esq., appeals his rejection as a Fire Fighter candidate by the City of Camden and its request to remove his name from the eligible list for Fire Fighter (M2211D) 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.

The report by the Panel discusses all submitted evaluations. Dr. Anna Penque, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and indicated that the appellant presented as cooperative, polite, and engaging. However, Dr. Penque noted significant concerns regarding the appellant's integrity, credibility, stress tolerance, and emotional regulation. In this regard, the appellant endorsed that he was currently receiving disability compensation from the military, where he served in the United States Marine Corps for a period of approximately four years (2017 to 2021). The appellant documented that he received 80% disability from the military for multiple injuries he received during his service including injuries to his shoulder, knee, wrist, hand, and hearing. The appellant denied that he had ever consulted a mental health professional. However, when discussing his military injuries, the appellant informed Dr. Penque that he had seen a psychiatrist as part of the evaluation process.

The appellant further reported that, upon first being discharged, he had difficulty sleeping and that it took him time to “readjust” to the “freedom” of civilian life after being used to having a strict schedule. The appellant insisted he was now fine and was never prescribed any medication or treatment. The appellant was asked to provide his Rating Decision Letter from the United States Marine Corps. Upon review, it indicated that the appellant was awarded a 50% disability compensation, effective January 30, 2021, for “[s]ervice connection for adjustment disorder, with mixed anxiety and depressed mood.” Dr. Penque noted that the paperwork she received did not indicate compensation for “sleep impairment” as reported by the appellant to her. This raised concerns regarding the appellant’s credibility, integrity, and his mental health functioning. Dr. Penque was also concerned that the appellant was unwilling or unable to be more forthcoming with his diagnosis. Consequently, Dr. Penque could not evaluate to what degree of anxiety and depression the appellant was suffering or to arrive at any conclusion regarding his stress tolerance and emotional regulation. Regarding the test data, it revealed that the appellant presented an unrealistically positive image of himself when responding to test items. Despite this defensive orientation, the appellant scored in the medium risk level for problems dealing with judgment and use of sick time. The appellant also scored low on social adjustment, which reflects his overall capacity to work within complicated interpersonal situations. Moreover, the appellant responded overly defensive on the personality testing and produced one clinical evaluation, which reflects an individual who admits to few difficulties and has no desire to change the status quo. Based on the foregoing, Dr. Penque did not recommend the appellant for employment as a Fire Fighter.

Dr. David Pilchman, evaluator on behalf of the appellant, carried out a psychological examination and found no psychopathology or personality problems that would affect the appellant’s ability to perform in a public safety position. Dr. Pilchman indicated that, although Dr. Penque’s findings suggested poor predictive value regarding the appellant’s future success as a Fire Fighter, this was based primarily on the appellant’s 50% disability rating by the Veterans Administration (VA). However, Dr. Pilchman noted that the appellant had successfully served for four years in the military prior to his relatively brief period of adjusting to civilian life. Dr. Pilchman was of the opinion that the appellant’s disability rating would undoubtedly be re-evaluated based on the appellant’s current rate of social adjustment. Dr. Pilchman stated that “[t]he difficulties that the appellant experienced during that time have no relationship to his demonstrated personal growth and development in all sectors of his life.”

Dr. Pilchman characterized the appellant as having maintained steady employment as a first responder in emergency medical services with a university hospital and receiving “stellar” references from his direct supervisors. Dr. Pilchman further opined that minor discrepancies between oral and written facts “are not unusual in this process” and that defensive test scores are also not unusual. Dr.

Pilchman concluded that Dr. Penque made a minimal attempt to understand the appellant and that the record did not support Dr. Penque's findings. Thus, in Dr. Pilchman's opinion, "the facts" support that the appellant would make a "formidable asset" as a City of Camden Fire Fighter.

The evaluators on behalf of the appointing authority and the appellant arrived at differing conclusions and recommendations. Dr. Penque raised concerns regarding the appellant's integrity, credibility, stress tolerance, and emotional regulation, as well as the results of the appellant's psychological tests and what she saw as a lack of being forthcoming about his diagnosis. Dr. Pilchman did not share these concerns and cited the appellant's steady employment and associated positive references as evidence of the appellant being suitable for the position. As set forth in its report, the Panel acknowledged that the appellant has remained successfully employed in a demanding and stressful occupation, facing traumatizing situations, and that he claims that he is no longer experiencing symptoms which led to a finding of adjustment disorder. However, the Panel noted that the appellant has continued to collect his 50% disability compensation, despite his claim that his symptoms have resolved. The Panel indicated that the appellant had not sought out a re-evaluation for his service-connected disability rating, which raised significant concerns regarding the appellant's integrity. Therefore, taking into account the evaluations of Drs. Penque and Pilchman, the appellant's appearance before the Panel, the psychological test results, and the behavioral record when viewed in light of the Job Specification for Fire Fighter, the Panel concurred with the findings of Dr. Penque and concluded that the appellant was psychologically unsuited to serve as a Fire Fighter and should be removed from the subject eligible list.

In his exceptions, the appellant submits a number of positive letters of reference from his colleagues at the university hospital, which he asserts support his psychological suitability for employment as a Fire Fighter. The appellant argues the Panel's Report and Recommendation was based on "factual inaccuracies" and not psychological factors. The appellant contends that it is the appointing authority's burden of proof to establish his psychological unfitness by a preponderance of evidence. See *In the Matter of Anastasia Vey*, 124 N.J. 534 (1991) and 135 N.J. 396 (1994). The appellant claims that the Panel's findings and conclusion were "outside its area of expertise" as the Panel was "not qualified to analyze VA disability law." The appellant further argues that veterans are not responsible for scheduling re-examination appointments in relation to their VA disability benefits. In fact, re-examinations are only requested when the VA determines there is a need to verify either the continued existence or the current severity of a disability. The appellant applied for benefits based on symptoms he was experiencing, was granted 50% disability for "adjustment disorder" and 30% disability for shoulder, wrist, hand, and knee injuries, and that he was not required to request a re-examination of his disability benefit status. The appellant maintains that he "did nothing wrong," that his benefits were granted for legitimate reasons, that he "took it upon himself" to make certain changes in his life so he felt better, and that the Panel's position in this matter is supported by "zero legal authority." The appellant questions why the Panel had "significant concerns"

regarding his integrity when his “resiliency and persistence should be applauded.” Further, the appellant denies that he was not forthcoming during the interview with Dr. Penque and states that he made all of the information regarding his service-connected adjustment disorder, with mixed anxiety and depressed mood, available to her without deception or subterfuge. The appellant further denies that he responded to testing items in a “defensive” manner and that Dr. Pilchman even indicated in his report that defensive responses were not “uncommon” in this type of evaluation. In conclusion, the appellant submits that the Civil Service Commission (Commission) should reject the Panel’s Report and Recommendation finding that the appointing authority has not met its burden of proof or, in the alternative, remand the matter back to the Panel to provide an opportunity for the appellant to explain that the VA schedules re-examinations or refer him for an independent psychological evaluation to ascertain his psychological fitness for the subject position.

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 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 exceptions filed on behalf of the appellant do not persuasively dispute the findings of the Panel. The Commission shares the Panel’s concerns that the appellant has continued to collect his 50% disability compensation from the VA for adjustment disorder when he maintains that he is no longer experiencing symptoms.

Further, although the appellant has self-reported that he is now symptom-free, without access to an updated assessment by the VA regarding the appellant's service-connected disability for adjustment disorder, there is nothing to mitigate concerns over his symptoms which, according to the VA report in the record, included anxiety, chronic sleep impairment, depressed mood, difficulty in adapting to a work-like setting, difficulty in adapting to stressful circumstances, difficulty in adapting to work, difficulty in establishing and maintaining effective work and social relationships, occupational and social impairment with reduced reliability and productivity, and panic attacks more than once a week. The Commission finds that one or any combination of these factors, which were the basis of his disability rating, could seriously affect the appellant's performance as a Fire Fighter. *See e.g., In the Matter of A.D.* (CSC, decided July 23, 2025). Accordingly, without a reassessment by the VA, the appellant's self-assessment of his disability status is unconvincing.

The Commission further finds that the appellant's argument that he is not required by the VA to seek a re-evaluation of his disability status with the VA under these circumstances is not plausible. The fact that the appellant admitted he is symptom free but continues to collect his disability payment and has failed to seek a VA reassessment of his disability is illustrative of a lack of integrity noted by Dr. Penque and the Panel and constitutes sufficient grounds to remove the appellant from the subject eligible list. *See In the Matter of C.L.S.* (CSC, decided January 19, 2022). As to the appellant's reliance on *Vey, supra*, the Commission notes that integrity is a very important psychological characteristic that directly relates to the job requirements of those aspiring to serve in a public safety capacity.

With regard to the appellant's assertions that that the Panel's position is supported by "zero legal authority" and is "outside its area of expertise," the Commission emphasizes that the Panel is not evaluating the appellant's VA disability rating or making a finding on VA disability law. Rather, it is evaluating the appellant's psychological suitability for a position as a Fire Fighter and, as stated above, the Panel found, and the Commission agrees, that the appellant has demonstrated integrity issues. *Compare, In the Matter of T.L., Correction Officer Recruit (S9988M), Department of Corrections*, Docket No. A-4725-14T2 (App. Div. September 15, 2017) (Court found no discriminatory or legal basis to disturb the Commission's decision to uphold the removal of an appellant from an eligible list on the basis of psychological unsuitability as the appellant's condition and collection of a military disability pension, while claiming to be free from this condition and fit to perform the duties of the position sought, raised integrity issues). The Commission emphasizes that the Panel consists of qualified and licensed Psychologists and a Psychiatrist who have reviewed the raw test data, the reports and opinions of Drs. Penque and Pilchman, 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. Thus, contrary to his exceptions, the Panel did not evaluate the appellant "outside its area of expertise." Accordingly, the Commission defers to the expertise of the Panel in this matter and finds no compelling reason to remand this matter to the Panel or refer the appellant for an independent psychological evaluation.

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 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 N.T. is psychologically unfit to perform effectively the duties of a Fire Fighter 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 1ST DAY OF JULY, 2026



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