



STATE OF NEW JERSEY

In the Matter of D.P.,
Fire Fighter (M2251D),
North Hudson Regional
Fire and Rescue

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

CSC Docket No. 2025-88

Medical Review Panel Appeal

ISSUED: July 22, 2026 (BS)

D.P., represented by Craig Gumpel, Esq., appeals his rejection as a Fire Fighter candidate by North Hudson Regional Fire and Rescue and its request to remove his name from the eligible list for Fire Fighter (M2251D) 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 April 25, 2025, which rendered its Report and Recommendation on April 26, 2025. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It notes that Dr. Donjae Markey, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and found him to be a poor historian throughout the interview. Dr. Markey was most concerned with the appellant's emotional regulation/stress tolerance, integrity/ethics, decision-making/judgment, impulse control/attention to safety, and substance misuse. He noted that the appellant's "significant legal history" was remote in time but included arrests for resisting arrest, assault, and possession of a weapon. Additionally, Veterans Administration (VA) records, which were available to both Dr. Markey and the Panel, indicated that, in 2009, the appellant was awarded a 60% disability determination for post-traumatic stress disorder (PTSD), which was increased to 100%, effective December 2019. Symptoms of "PTSD with parasomnia" noted in the VA rating from May 2020 included occupational and social impairment, persistent danger of hurting others and oneself, depressed mood, suicidal ideation, continuous depression,

impaired judgment and impulse control, difficulty adapting to work, inability to establish and maintain effective relationships, grossly inappropriate behavior, impairment of short and long term memory, intermittent inability to perform activities of daily living (including maintaining minimal personal hygiene), gross impairment in thought processes and communication, unprovoked irritability with periods of violence, panic attacks more than once a week, difficulty in adapting to stressful circumstances, and persistent hallucinations and anxiety, among other related symptoms. A total of 39 specific symptoms were identified. The appellant failed to report any of these symptoms during the interview, which suggested to Dr. Markey that the appellant was either attempting to minimize his condition or that he was being dishonest. Dr. Markey also raised concerns about the appellant's alcohol use and questioned whether the appellant had been minimizing his current alcohol use. Dr. Markey found the test data to be supportive of the appellant's psychological unsuitability and did not recommend the appellant for appointment to the subject Fire Fighter position.

Moreover, as set forth in the Panel's report, Drs. Eric Cohen and John D'Alessandro wrote a Mental Health Examination/Evaluation Update regarding the appellant.¹ Both doctors noted that the appellant's condition presented as "much less severe than his presentation during the previous evaluation in 2020." Drs. Cohen and D'Alessandro described the appellant as having stopped using alcohol, that his anxiety/depression level had dropped "to very moderate/mild levels," and that his hallucinations had "resolved." Both Drs. Cohen and D'Alessandro opined that the appellant was "fully capable of the employment duties and responsibilities" of a Fire Fighter.

Additionally, Dr. Robert Kanen, evaluator on behalf of the appellant, carried out a psychological evaluation, administered the Inwald Personality Inventory, and characterized the appellant as functioning within normal ranges and that he had no psychopathology or personality problems which would interfere with work performance. The appellant served in the U.S. Marine Corps and was honorably discharged. Dr. Kanen noted that the appellant had served in Iraq in 2006 and 2008, saw combat, and had one disciplinary problem. Although the appellant receives 100% disability for PTSD, Dr. Kanen could find no evidence of PTSD symptoms. The appellant reported to Dr. Kanen that he had used "self-help techniques" to help him deal with symptoms. Additionally, upon his return, the appellant had to deal with the trauma of his brother being shot and killed. Further, the appellant had re-united with his girlfriend. They are now married and have a child together. Dr. Kanen found that the appellant handled all of these incidents well and had "bounced back"

¹ It is noted that the appellant initially submitted Drs. Cohen and D'Alessandro's report in support of his appeal. However, Drs. Cohen and D'Alessandro were not licensed in New Jersey. *N.J.A.C.* 4A:4-6.5(e) provides in relevant part that an appellant may submit a report from a New Jersey licensed psychologist or psychiatrist of his or her own choosing. The appellant was provided with an opportunity to submit a report in accordance with the rule.

from his traumatic life experiences. Dr. Kanen noted that all of the appellant's criminal charges had been expunged. In addition, Dr. Kanen found that the appellant had the necessary cognitive abilities to perform the duties of the position. Further, the appellant was capable of following rules and regulations and was able to sustain and create positive relationships. Dr. Kanen also noted that the appellant showed no evidence of abnormal levels of depression or anxiety, that he was in good control of his impulses, and did not appear prone to violent outbursts. The appellant presented as stable and responsible and was currently self-employed, which Dr. Kanen opined evidences that the appellant demonstrated a pattern of fulfilling responsibilities expected of him. Accordingly, Dr. Kanen concluded that the appellant was psychologically suitable to perform the duties of a Fire Fighter.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel indicated that Dr. Markey was concerned with issues of emotional regulation/stress tolerance, integrity/ethics, decision-making/judgment, and impulse control/attention to safety and substance misuse. Dr. Markey was also concerned about the possible minimization of the appellant's PTSD symptoms. Drs. Cohen and D'Alessandro found the appellant to be "substantially improved" compared to the appellant's prior evaluation related to his service-connected disability. Dr. Kanen concluded that the appellant's PTSD symptoms had improved and that he had "matured." The Panel noted that, although the appellant had a history of legal problems, more than a decade had passed since the last incident. The Panel did not see this as a pattern of problematic behavior. While the appellant's previous level of alcohol use appeared to be problematic in his past, the Panel did not see it as a substantial problem at this time. With regard to the appellant's PTSD symptoms, the Panel noted that these symptoms described in the VA report, which led to his 100% disability determination, were "extremely debilitating," although the appellant now claims that his symptoms "have substantially improved" and that he was unaware of the severity of the symptoms described in the VA rating decision. However, the appellant continued collecting disability payments associated with a 100% disability rating for mental health symptoms. Although reevaluation of his status could be sought, the Panel indicated that appellant had failed to pursue this. The Panel found this difficult to reconcile regarding his psychological fitness for the position. If the appellant remained 100% disabled due to PTSD symptoms described, he would not be psychologically fit for the position. If the appellant is no longer disabled, but has continued to collect his 100% disability payment, the Panel posited that significant concerns existed regarding the appellant's integrity, which would also render him psychologically unsuitable for the position. The Panel concluded that taking into consideration the evaluations, the appellant's appearance before the Panel, the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, the appellant was not psychologically suitable to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be

upheld “at this time.” The Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant asserts that, while he is receiving a 100% VA disability for PTSD, the symptoms have significantly abated according to evaluations by Drs. Kanen, Cohen and D'Alessandro. The appellant also maintains that he “is in the process of determining how he would go about obtaining a reevaluation of his VA disability rating.” He notes that he told the Panel that “he was unaware that a reevaluation was possible.” The appellant argues that neither Dr. Markey nor the Panel actually performed any psychological testing to determine the accuracy of the symptoms which formed the basis of the VA’s determination. He submits that, in determining that he was either minimizing his symptoms or was dishonest, Dr. Markey did not account for “an alternative explanation” that he had “no idea that the VA identified 39 symptoms to support a finding of a 100% disability.” Further, the appellant contends that one of the Panel members commented during the meeting that, if he was as seriously debilitated as indicated in the VA’s assessment, he would not be functioning and would need to be hospitalized. Thus, he asserts that “there is some significant doubt as to the accuracy of the VA’s 100% rating determination.” Additionally, this VA assessment is the report Dr. Mackey relied upon in deciding to recommend that he be removed from consideration. Accordingly, the appellant argues that in cases involving PTSD and VA benefits, the Civil Service Commission (Commission) has ordered that the candidate be evaluated by an independent psychological evaluator to assess his psychological suitability. The appellant cites *In the Matter of B.N., Fire Fighter (M1581T), Elizabeth* (CSC, decided September 5, 2018). The appellant emphasizes that the Panel had concluded that his legal problems were remote in time and that it did not find signs of continued problematic behavior. Thus, the appellant maintains that the Panel’s “hesitation” that the appellant is not psychologically suitable “at this time” requires further evaluation.

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 Report and Recommendation of the Panel. The Commission does not find the exceptions presented by the appellant to be persuasive. In that regard, the Commission finds it incredulous that the appellant did not know that the VA identified 39 symptoms which formed the basis for its determination to increase his disability rating from 60% to 100%. Equally unconvincing is the appellant's unawareness that he could request the VA to reevaluate its determination. Regardless, considering the appellant's 100% disability rating from the VA, without an updated review by the VA regarding the persistence of the appellant's service-connected PTSD disability symptoms, there is nothing to mitigate concerns of these cited symptoms which clearly would affect his performance as a Fire Fighter. In other words, notwithstanding the reports from the appellant's evaluators, without a reassessment by the VA, the appellant's self-assessment of his disability status is unpersuasive.

Further, while the appellant asserts that his symptoms have abated, he did not seek to remove the disability determination or have it adjusted accordingly. Therefore, the Commission agrees with the Panel's Report and Recommendation that, if the appellant remains 100% disabled due to PTSD symptoms as described, he would not be psychologically fit for the position sought, and, if the appellant is no longer disabled, but has continued to collect his 100% disability payment, the appellant's integrity is in question, which would also render him psychologically unsuitable for the position. *See In the Matter of C.L.S.* (CSC, decided January 19, 2022) and *In the Matter of N.T.* (CSC, decided July 1, 2026). *See also, e.g., 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).

As for the appellant's request to be referred to an independent evaluator, the Commission notes that the Panel consists of qualified and licensed Psychologists and a Psychiatrist who have reviewed the raw test data, the reports and opinions of the evaluators, 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. Accordingly, the Commission defers to the expertise of the Panel in this matter and finds no compelling reason to refer the appellant for an independent psychological evaluation. The appellant's citation to one case where the Commission referred an appellant for a psychological evaluation does not set a precedent in cases involving PTSD and VA benefits. *Compare, In the Matter of C.L.S. and In the Matter of N.T., supra.*

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 D.P. 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 22ND DAY OF JULY, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon 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.P.
Craig Gumpel, Esq.
Jeff Welz
Angelo Auteri, Esq.
Division of Human Resource Information Services