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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of B.C., Fire Fighter  
(M2518M), Elizabeth

Medical Review Panel Appeal

CSC Docket No. 2016-652

ISSUED: **DEC - 9 2016** (BS)

B.C., represented by Craig S. Gumpel, Esq., appeals his rejection as a Fire Fighter candidate by Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2518M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on June 29, 2016, which rendered the attached report and recommendation on June 29, 2016. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Betty McLendon (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as demonstrating a pattern of maladaptive functioning manifested by problems adhering to standards, assuming responsibility, and exercising sound judgment. Dr. McLendon noted that this was completely borne out by the appellant's personal history, which included a pattern of problems in the military, on the job, and incidents in his personal life. Dr. McLendon indicated that the appellant impressed as emotionally detached and idiosyncratic in his outlook, with a history of interpersonal instability and conflicts. Dr. McLendon failed to recommend the appellant for appointment to the subject position.

Dr. Daniel Gollin, evaluator on behalf of the appellant, carried out a psychiatric evaluation and indicated that the test data suggested that the appellant possessed obsessive compulsive personality traits, narcissistic personality features, and histrionic personality features. However, Dr. Gollin opined that none of the testing data revealed any "objective evidence of pathology" which would render the appellant unfit to serve as a Fire Fighter. Dr. Gollin could find no reason why the appellant was not psychologically fit to serve as a Fire Fighter.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel concluded that the negative recommendation found support in the appellant's history of significant adjustment problems, irresponsible acts, disregard for societal standards, poor decision making skills, and domestic violence arrests. The Panel noted that, when discussing his problems in the military, he did not fully disclose what was in the documentation provided in the record. Although the domestic violence accusations were later dismissed by the court, the Panel expressed concerns regarding the appellant's actions during these incidents. The Panel noted that an assessment of the appellant's responses to the sentence completion exercise of the testing indicated bias toward minority groups such as homosexuals, Hispanics, African-Americans, and others. The Panel opined that to give haphazard answers, some of which were stereotypical, further demonstrated the appellant's poor decision making skills. Finally, the Panel was also concerned with the appellant's driving history, which it found further demonstrated the appellant's lack of responsibility for his actions and poor decision making skills. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that the problematic incidents alluded to by the Panel in the appellant's behavioral history occurred at a remote point in time, during the deterioration of his first marriage. The appellant concedes that he "faced difficulties" in his late teens and early 20s, but has continued to show increasingly more responsible behavior with much greater success in his career with the New Jersey National Guard and in his second marriage. Accordingly, he argues that he should be restored to the list. Alternatively, the appellant requests that the Commission consider sending him for an independent evaluation before arriving at a negative decision regarding his psychological suitability to work as a Fire Fighter.

## CONCLUSION

The Class 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 Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found 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 Panel's concerns centered on appellant's history of significant adjustment problems, irresponsible acts, disregard for societal standards, poor decision making skills, and domestic violence arrests. Although the appellant argues that these incidents were remote in time and that he has since improved his behavior, the Commission notes that a variety of multiple incidents illustrate the findings of the Panel. 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 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. The Commission further notes that the bias items endorsed by the appellant occurred in the recent past, during Dr. McLendon's evaluation. The Commission finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel in this regard and finds no compelling reason to refer the appellant for an independent psychological evaluation.

Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that B.C. 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 7TH DAY OF DECEMBER, 2016



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Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence:

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

Attachment

c: B.C.  
Craig S. Gumpel, Esq.  
Onofrio Vitullo  
Kelly Glenn