



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of F.S., Police Officer
(S9999U), City of Jersey City

CSC Docket No. 2019-1899

Medical Review Panel

ISSUED: JANUARY 16, 2020 (DASV)

F.S., represented by Giovanna Giampa, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999U) 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 October 16, 2019, which rendered a report and recommendation. No exceptions were filed by the parties. It is noted that the appellant, his attorney, and Dr. Matthew Guller, on behalf of the appointing authority, were present at the Panel meeting.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant's intelligence tests, which resulted in one score indicative of "extremely low intellectual functioning." Specifically, Dr. Guillermo Gallegos, the appointing authority's psychological evaluator, concluded that due to the appellant's cognitive ability, it was unlikely that the appellant "would get through the academy or be able to perform satisfactorily in a law enforcement capacity." Additionally, Dr. Gallegos noted that, during his interview, the appellant contradicted himself several times, including denying that he had family members in law enforcement. The appellant was also denied continued enrollment in college due to poor grades. Moreover, although the appellant indicated that his name appeared on police reports in his Biological Summary Form, he denied that this was the case to Dr. Gallegos. Consequently, Dr. Gallegos did not recommend him for a Police Officer position. The appellant's psychological evaluator, Dr. Paul Fulford, also

administered an intelligence test to the appellant. He found that the appellant was “within normal limits academically” and that with further information, the “apparent contradictions could be easily and quickly resolved in his favor.” The appellant also did not have any significant issues in his background to preclude him from the position sought. Therefore, Dr. Fulford concluded that the appellant was psychologically fit to be a Police Officer.

At the Panel meeting, the appellant did not show any signs of overt psychopathology and he was cooperative in answering the questions of the Panel. The Panel reviewed several test questions with the appellant. In response, the appellant indicated that he must have misread or misunderstood the questions. The appellant also revealed that he has a discomfort with heights and that, while not “strictly avoiding anything,” the appellant’s legs would feel “shaky” in certain situations. In conclusion, except for the appellant’s discomfort with heights, the Panel did not find the appellant’s personal or behavioral history concerning. However, notwithstanding Dr. Fulford’s test which revealed an IQ in the average range, the Panel could not overlook the appellant’s score on the tests that Dr. Gallegos administered and the quality of the appellant’s writing samples. Therefore, based on the evaluations, the test results of the appellant, and his presentation at the meeting, the Panel requested that the appellant undergo an independent evaluation, which shall include a more in-depth evaluation of his cognitive abilities and his anxiety with heights and its impact on his functioning as a Police Officer.

CONCLUSION

The Civil Service Commission (Commission) has reviewed the report and recommendation of the Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel’s own review of the results of the tests administered to the appellant, it also assesses the appellant’s presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel’s recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist which shall include an in-depth cognitive assessment of the appellant and the exploration of the appellant’s anxiety with heights and how it may impact his performance as a Police Officer.

ORDER

The Commission therefore orders that F.S. be administered an independent psychological evaluation as set forth in this decision. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing

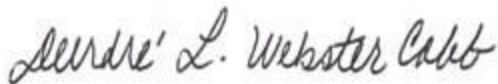
authority in the amount of \$530. Prior to the Commission's consideration of the evaluation, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

F.S. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance date on this determination to schedule an appointment. Dr. Kanen's contact information is as follows:

Dr. Robert Kanen
 Kanen Psychological Services
 76 West Ridgewood Avenue
 Ridgewood, New Jersey 07450
 (201) 670-8072

If F.S. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for a final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
 CIVIL SERVICE COMMISSION ON
 THE 15TH DAY OF JANUARY, 2020



Deirdre L. Webster Cobb
 Chairperson
 Civil Service Commission

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