



B-64

**STATE OF NEW JERSEY**

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

In the Matter of Robert Brennan,  
Law Enforcement Series (S9999R),  
Statewide

CSC Docket No. 2014-2632

Examination Appeal

ISSUED: ~~MAR~~ - 6 2015

(SLK)

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Robert Brennan appeals his score that was below the minimum rating in Written Part 1 for the open competitive examination for Law Enforcement Series (S9999R), Statewide.

By way of background, 27,848 individuals applied for and 26,754 were admitted to compete in the subject multiple-choice examination that was conducted on November 9, 2013. The eligible list contains 20,429 names and expires on May 1, 2016.

On appeal, Mr. Brennan states that he believes that there must have been a mistake in grading his examination. Specifically, the appellant indicates that he had previously passed the New York City Police and the Port Authority Exams. Further, Mr. Brennan presents that he possesses a Bachelor's degree in English and that he currently makes a living as a freelance writer/ghostwriter. Therefore, he questions how he could have failed a written police examination. The appellant provides that he called the Civil Service Commission (Commission) to request to examine his test paper; however, he was advised that this was not possible. Consequently, this only furthers his belief that his test paper was confused with someone else's or graded improperly. Also, Mr. Brennan mentions that his father was a Police Officer and that it is his dream to become a Police Officer.

Additionally, in response to a letter dated November 19, 2014 from the Division of Appeals and Regulatory Affairs (DARA), Mr. Brennan reiterates that he should be allowed to review his test since he has the burden of proof on appeal.

Consequently, since he has not been allowed to review his exam, the appellant submits his passing exam results from tests that he has taken for the New York Police Department, Port Authority Police Department, and the New York Fire Department as evidence that he could not have failed any portion of the subject examination. Further, upon learning that the subject examination was scored by EB Jacobs, a third-party contractor, Mr. Brennan is even more convinced that his exam was graded incorrectly. Also, when informed by DARA that the exam was a multiple choice exam and not an essay exam, the appellant questions why the Notice of Ineligibility states that he was "Below Minimum Rating in Written Part 1"<sup>1</sup> and he maintains that this does not ease his worries concerning EB Jacobs' handling of his test.

## CONCLUSION

*N.J.A.C. 4A:4-6.3(b)* provides that the appellant has the burden of proof in examination appeals. With respect to Mr. Brennan's concerns that his exam was not scored properly, the Division of Selection Services<sup>2</sup> (Selection Services) contracted with EB Jacobs to develop an examination to assess candidates for entry level law enforcement titles. In order to ensure the reliability of the electronic scanning, EB Jacobs, which scored and processed all of the candidates' test papers, scanned all answer sheets twice. In addition, EB Jacobs physically reviewed every answer that the scanner flagged as a multiple response or missing response to ensure that the intended answer was read correctly, which addressed issues arising from erasures and lightly colored responses. Furthermore, after scoring was complete, EB Jacobs manually scored a sample of answer sheets to ensure that the scoring was accurate.

In reference to the appellant's comments that he could not have failed the subject examination because he has passed several other law enforcement examinations given by other jurisdictions, as each examination is developed separately, the fact that he has passed examinations for other jurisdictions is not evidence that he has passed the subject examination. Similarly, with respect to Mr. Brennan's educational, personal, and professional background, the fact that he has certain experience or background does not demonstrate that he passed the subject examination. In regard to the appellant's request to review his test, *N.J.A.C. 4A:4-6.4(e)* specifically states that in order to maintain the security of the examination process, this agency, on a particular examination, modify or eliminate the review of examination questions and answers. Candidates are notified of any such restrictions at the time the examination is administered. In this case, candidates

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<sup>1</sup> It is noted that candidates who did not achieve a passing score received a "Notification of Ineligibility" which indicated the reason for ineligibility was "Below Minimum Rating in Written Part 1" and that "Written Part 1 refers to the entire test and that "Written" refers to multiple choice questions.

<sup>2</sup> Now known as the Division of Test Development and Analytics.

were informed in the 2013 Entry-Level Law Enforcement Examination (LEE) Administration Guide and by examination staff on the day of the test that there would be no review of any test material in order to maintain examination security. In addition, as noted above, the contents of the examination were supplied by a private vendor and the review of test content is not provided for under the terms of use of the exam.

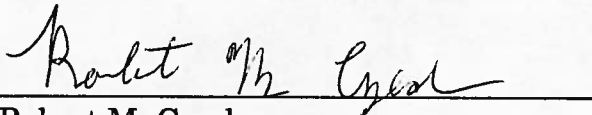
Accordingly, the appellant has not met his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that this appeal be denied.

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 4<sup>th</sup> DAY OF MARCH, 2015**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

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

**c: Robert Brennan  
Kelly Glenn  
Joe DeNardo**