



**STATE OF NEW JERSEY**

In the Matter of V.D.  
Police Officer (M0029D), Clifton

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

CSC Docket No. 2024-934

Medical Review Panel Appeal

**ISSUED: September 25, 2024 (BS)**

V.D., represented by Nicholas Palma, Esq., appeals his rejection as a Police Officer candidate by Clifton and its request to remove his name from the eligible list for Police Officer (M0029D) 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 February 16, 2024, which rendered its Report and Recommendation on February 17, 2024. Exceptions were filed on behalf of the appellant, and cross exceptions were filed on behalf of the appointing authority.

The report by the Panel discusses all submitted evaluations. Dr. Han Zhang Liang, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as being defensive during questioning and a poor historian. Dr. Liang expressed concerns related to the appellant's integrity, social competence, and overall judgment. Dr. Liang noted a pervasive pattern of rule violation that has been evidenced in multiple domains of functioning. For example, the appellant has an extensive disciplinary record, including 19 separate disciplinary issues while in high school, two of which involved harassing a girlfriend on social media. The appellant subsequently contacted this ex-girlfriend again after being instructed not to do so in 2019. The appellant also has an inordinate number of negative police contacts including a police response to an argument with his mother, a police complaint from a neighbor regarding the loud exhaust on his car (2021), and an argument with someone over a parking space

(2019).<sup>1</sup> Dr. Liang opined that these incidents illustrated the appellant's inability to de-escalate commonplace conflicts in his personal life without the need for police intervention. With regard to the appellant's employment record, he was terminated in 2020 due a customer complaint that the appellant was soliciting tips over the phone for taking delivery orders. The appellant did not construe this as a termination, even when confronted with evidence to the contrary from the background investigation. Dr. Liang further noted that the appellant's driving record included five motor vehicle accidents, including one at fault motor vehicle accident, all since 2020. Moreover, Dr. Liang found that the test data supported his conclusions regarding the appellant. In this regard, the test data showed him to be at a medium risk level for problems associated with honesty and integrity, judgment, and productivity. The appellant scored low in social adjustment which is suggestive that he is less effective in navigating social requirements or working within an interpersonal situation. The appellant also scored low in motivation and self-discipline. On the Personality Assessment Inventory (PAI), the appellant responded in a defensive and minimizing fashion. Despite this defensive orientation, his scores fell within the 93<sup>rd</sup> percentile for the probability of having background problems related to integrity. The appellant produced an elevation in the Paranoia-Hypervigilance subscale suggesting an individual who questions and mistrusts the motives of those around him and one who has a history of ambivalent, intense, and unstable relationships. Dr. Liang did not recommend the appellant for employment as a Police Officer.

Dr. David Pilchman, evaluator on behalf of the appellant, carried out a psychological evaluation and concluded that Dr. Liang's psychological report represented a "misperception" of the appellant's "character, competence, and readiness to pursue a career as [a] Police Officer." Although Dr. Liang's report cited multiple incidents, Dr. Pilchman opined the great majority of these incidents were "minor offenses" committed at a "younger age." Dr. Pilchman noted that the appellant acknowledged his "previous faulty judgment" and further opined that the appellant demonstrated personal growth. Dr. Pilchman stated that the appellant "takes pride" in his current position as a security officer, which he indicated was a "challenging environment," and that he remains dedicated to personal growth as he moves forward with his career, education, and relationship. The appellant's references described the appellant as respectful, dependable, and having good moral character and judgment. Dr. Pilchman further opined that the appellant's professional behavior over the last three years (he is now 21 years old) provided the greatest predictive value regarding his psychological suitability. Dr. Pilchman found that the appellant was psychologically suitable to serve as a Police Officer.

Dr. Daniel Gollin, second evaluator on behalf of the appellant, carried out a psychiatric evaluation and opined that the written materials, test findings, and clinical interview failed to support Dr. Liang's finding. Dr. Gollin asserted that Dr.

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<sup>1</sup> Agency records indicate that the closing date for filing applications for the Police Officer (M0029D) examination was February 28, 2022. The examination was administered on June 11, 2022.

Liang “appeared to have ignored significant contradictory history supplied by the candidate” and others. Dr. Gollin noted that Dr. Liang’s report failed to account for the young age of the appellant and the various indications of increasing maturity in his decisions and behavior. All disciplinary problems “abruptly” disappeared in the appellant’s junior year of high school and that his recent endorsements have been “glowing.” Dr. Gollin found that the appellant was both psychiatrically and psychologically suitable to serve as a Police Officer.

As set forth by the Panel, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The negative recommendation found support in Dr. Liang’s findings that the appellant had a propensity for rule violations and had issues with integrity, social competence, and judgment. Dr. Liang cited the appellant’s school disciplinary record, prior adverse interactions with police (indicative of ineffective conflict de-escalation ability), and his motor vehicle history. The evaluators on behalf of the appellant cited his behavior over the last three years as indicative of his psychological suitability and that he was increasing in maturity and had a number of positive endorsements, which were applicable to his suitability for working as a Police Officer.

Further, the appellant’s appearance before the Panel was unremarkable in that he displayed no signs of psychopathology, such as psychosis or thought disorder. The Panel noted that the appellant had been employed as a full-time hospital security guard since May 2021, mostly in the emergency room, and self-reported that he did not have any complaints about his work performance. However, the appellant admitted to being late on at least 10 occasions, stating that he was late due to traffic and also because he had to bring his mother to work. Although he claimed that he was never disciplined as a result, he had been “docked time.” With regard to his ex-girlfriend, the appellant claimed that he wanted items she had of his returned and that she became “annoyed” when he contacted her. The appellant asserted that there was no physically assaultive behavior and he had never been in a fight as an adult. Regarding his adverse contacts with the police, the appellant explained to the Panel that he was upset and arguing with his mother for taking his cell phone and that he did not know why his father had called the police. The other incident involved an argument over a parking space, and it was the appellant who filed a police report.

Upon its review, the Panel opined that the appellant’s disciplinary issues in school, his prior contacts with law enforcement, and prior employment issues were likely indicative of immaturity rather than a more fixed psychological issue. The Panel indicated that the appellant appeared to be doing well in his present security position, although it expressed concerns about the appellant’s propensity for lateness, which is indicative of ongoing immaturity. The Panel underscored that the responsibility to arrive on time for one’s shift is important for a Police Officer position. Further, the Panel noted that the appellant is only 21 years old, and the events that concerned Dr. Liang are in the recent, rather than the distant, past. The Panel

indicated that its concerns about the appellant would be alleviated if more time had passed with him having no new adverse instances, including being able to arrive consistently on time to work. Therefore, taking into account the evaluations of Drs. Liang, Pilchman, and Gollin, the appellant's presentation, the psychological test results, and the behavioral record, when viewed in light of the Job Specification for Police Officer, the Panel determined that the appellant was not fit to effectively perform the duties of the position, and accordingly, the action of the appointing authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant argues that there was an over reliance on incidents which occurred when he was only 15 or 16 years old. The appellant states that the incident where he was fired appears to be an overreaction by the assistant manager and that the manager attempted to rehire him, but that he declined. The appellant claims that for the past "several years" he has successfully served as a hospital security officer and further asserts that the Panel found that his position required frequent contact with the public and demonstrated that he could effectively de-escalate situations. Although the Panel was concerned about his lateness to this position, the appellant contends that he had never been disciplined for being a few minutes late, once every two to three months. Rather than viewed as a negative, the appellant maintains that his willingness to lose a little money to assist his mother should be viewed as a positive. The appellant submits that "[n]obody is more qualified and more deserving" and that he should be restored to the list.

In its cross exceptions, the appointing authority, represented by Joseph Natale, Esq., asserts that the Panel found multiple examples of the appellant's immaturity as reflected in the findings of Dr. Liang. It argues that the appellant displayed "a pervasive pattern of rule violation" that "has been evidenced in multiple domains of functioning." Further, based on multiple incidents of misconduct, Dr. Liang concluded that the appellant "does not appear to have the maturity, responsibility, and prudent judgment that is expected of a candidate for a full-time police position." The appellant's test scores support this conclusion. The appointing authority cites a statement from the appellant's boss in which he described the appellant as "immature" at the time he was fired "a mere four years ago in 2020." The appointing authority contends that the appellant's appearance before the Panel, rather than a display of maturity and accountability, was a rendition of self-serving explanations downplaying each incident and placing the blame on others involved. The appellant diverted blame in each case, to his ex-girlfriend, to the other driver, and to his parents as he did not know why his father called the police. The appellant further described to the Panel, contrary to the reports of Drs. Pilchman and Gollin, new incidents involving his lateness to his security job that demonstrate that his immature behavior is consistent and ongoing. The appointing authority argues that the appellant's exceptions continue to downplay his misconduct and further underscores his continued immaturity, poor judgment, and lack of accountability.

The appointing authority notes that the appellant, only four years removed from high school, dismissively characterizes his 19 separate high school incidents, including the suspension he received for harassing his former high school girlfriend through social media, as mere “childish immaturity.” In addition, the appointing authority contends that the appellant would have the Panel believe that his lateness was a good thing because he “was helping his mother.” Based on the substantial, credible evidence of a lack of maturity, accountability, and good judgment, the appointing authority submits that the Civil Service Commission (Commission) should accept and adopt the findings and conclusions set forth in the Panel’s report.

## **CONCLUSION**

The Job Specification for the title of Police Officer is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring. Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

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. In this regard, the Commission notes that 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 law enforcement positions.

The Commission finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel. In this regard, the appellant attempts to downplay the numerous incidents in his behavioral history by passing the blame off to the others involved. The Commission rejects the appellant's assertion that these incidents were "remote in time" and notes that the appellant is only 21 years old and all of these incidents in the record occurred within the last five years. As highlighted by the appointing authority, the appellant's appearance before the Panel, rather than being a display of maturity and accountability, was just a rendition of self-serving explanations downplaying each incident and placing the blame on others involved. The Commission is further concerned that, after two incidents of "harassing" his former girlfriend via social media and being instructed to stay away from her, the appellant contacted her again in 2019. The Commission is also mindful of the appellant's driving record, which includes five motor vehicle accidents since 2020. In that regard, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998). Moreover, the Commission shares the Panel's concern of the appellant's propensity for lateness. The foregoing concerns are indicative of the appellant's exercise of poor judgment and his current maturity level, which is not conducive to the performance of the duties of a municipal Police Officer.

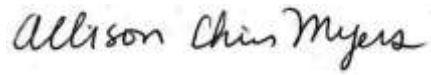
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed on behalf of the appellant, the cross exceptions filed on behalf of the appointing authority, and having made an independent evaluation of the same, the Commission accepts and adopts 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 V.D. is psychologically unfit to perform effectively the duties of a Police Officer 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 25<sup>TH</sup> DAY OF SEPTEMBER, 2024



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