



STATE OF NEW JERSEY

In the Matter of P.Z.,
Police Officer (M0315F),
Clifton

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

CSC Docket No. 2025-2302

Medical Review Panel Appeal

ISSUED: November 26, 2025 (BS)

P.Z., represented by Theresa Richardson, 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 (M0315F)¹ 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 August 1, 2025, which rendered its Report and Recommendation on August 5, 2025. Exceptions were filed on behalf of the appointing authority and cross exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. Dr. Sandra Ackerman Sinclair, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as being on time and well-mannered. However, the appellant presented with issues relating to stress tolerance and emotional regulation. Dr. Sinclair noted that the appellant had a history of mental health treatment beginning a few months prior to this evaluation for a series of anxiety attacks. The appellant described having heart palpitations and was prescribed medications, which he claimed he only took for one day as he did not feel well taking them. According to Dr. Sinclair, the appellant's feelings were the "hallmark symptoms of panic attacks." The appellant discussed his lingering stress

¹ The subject eligible list promulgated on November 28, 2024, and does not expire until November 27, 2025.

as relating to his mother and father's illnesses and the recent loss of his grandparents. He advised Dr. Sinclair that his mother is doing all right now, and he has not experienced any symptoms in over six months. However, Dr. Sinclair opined that it remains to be seen how he will deal with a health scare or any other future stressors. Dr. Sinclair noted that the appellant has yet to take any action for long-term support.

With regard to the appellant's motor vehicle record, the appellant reported being stopped four times for having tinted windows and not displaying a license plate on the front of his vehicle, but he was never issued any tickets. While asserting that he had plans to remove the tint, Dr. Sinclair noted that the appellant had not done so as of a year later. As for the front plate, the appellant claimed that did not have a bracket and, as of a year later, he still did not replace it because, as he reported, "it didn't cross my mind." Taken these two together, Dr. Sinclair stated that there was sufficient evidence that the appellant lacked stress tolerance and maturity and indicated that psychological testing supported her conclusions. The appellant scored low in social adjustment and motivation. He also had a Personality Assessment Inventory (PAI) profile which suggested more of consistency with individuals who reported "thoughts of worthlessness, hopelessness, and personal failure," and it was likely that such individuals would be indecisive and have difficulty in concentration. Based on the foregoing, Dr. Sinclair did not recommend the appellant for employment as a Police Officer.

Dr. Robert Kanen, evaluator on behalf of the appellant, carried out a psychological evaluation of the appellant and did not find psychopathology or personality problems that would affect the appellant's ability to perform in a law enforcement position. Dr. Kanen characterized the appellant as having high average cognitive abilities, being stable and responsible, and possessing an Associate's degree. Further, Dr. Kanen found that the appellant showed no evidence of anxiety or depression, has good control over his impulses, and is likely to follow established policies and procedures. The appellant was also found to be assertive and not likely to be easily intimidated. Additionally, Dr. Kanen noted that the appellant maintains a relatively healthy lifestyle and works out regularly.

Dr. Kanen indicated that the appellant never experienced a "panic attack," but rather went to a cardiologist as he was experiencing heart palpitations. He was prescribed medication to ease anxiety. The cardiologist attributed the appellant's heart palpitations to consuming energy drinks high in caffeine. Dr. Kanen found that the appellant was never diagnosed with generalized anxiety disorder and is functioning entirely within normal ranges. On the field training officer's predictions, the appellant scored in the category "likely to meet expectations" in terms of his ability to control conflict, in his ability to relate and work with the public, and on his ability to write clear, complete, and accurate reports. In Dr. Kanen's opinion, the appellant was psychologically suitable to be employed as a Police Officer.

As set forth in the Panel's report, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. Dr. Sinclair raised concerns regarding the appellant's stress tolerance, emotional regulation, and maturity. Dr. Kanen did not share these concerns and attributed the candidate's anxiety to caffeine consumption, which was consistent with the emergency room records. The Panel found the appellant's behavior before it to be unremarkable in that he did not show any signs of overt psychopathology such as psychosis or thought disorder. The Panel explored the appellant's responses to the PAI, in particular his response to an item that suggested that he may be suicidal. The appellant explained that he misread the question and that he had never been suicidal. The Panel had concerns about the appellant's maturity as it related to his tinted windows and front license plate. However, the Panel noted that the appellant had removed the tint and now has a front license plate. Regarding anxiety and stress tolerance, the Panel found that the emergency room records and the appellant's account of having heart palpitations were consistent with the use of caffeine. The appellant has not experienced any heart palpitations in eight months without ongoing treatment. The Panel did not view these two episodes as indicative of an ongoing problem with anxiety. Taking into account the evaluations of Drs. Sinclair and Dr. Kanen, and the appellant's appearance before the Panel, the Panel concurred with the findings of Dr. Kanen and found the appellant psychologically suitable to serve as a Police Officer and should be restored to the subject eligible list.

In its exceptions, the appointing authority, represented by Adam S. Herman, Esq., argues that the Panel erred by ignoring Dr. Sinclair's determination that the appellant was not psychologically suitable to serve as a Police Officer. As emphasized in Dr. Sinclair's report, the appellant referred to lingering stress and certain feelings, which were identified by Dr. Sinclair as "hallmark symptoms of panic attacks." The appointing authority contends that the appellant was found to have experienced that stress response several times between late 2024 and the spring of 2025. When probed about his anxiety by Dr. Sinclair, the appellant referenced issues such as his mother's health, which revealed serious concerns regarding stress tolerance. Dr. Sinclair also found that the appellant lacked the maturity and emotional regulation to serve as a Police Officer as evidenced by his low test scores in social adjustment and motivation. The appointing authority contends that Dr. Sinclair's examination further demonstrated that stress, conflict, and traumatic experience on the job as a Police Officer are likely to be particularly difficult for the appellant. The appointing authority respectfully submits that the Panel erred in not fully considering Dr. Sinclair's concerns and requests that the appellant's name be removed from consideration.

In his cross exceptions, the appellant argues that the exceptions submitted by the appointing authority should not be considered as they were not submitted within 10 days of receipt of the Panel's Report and Recommendation. He states that the

exceptions were due by August 30, 2025; the appointing authority submitted its exceptions on September 2, 2025. Consequently, the appellant objects to the appointing authority's exceptions.² Further, the appellant contends that the Panel reviewed the entire record, including his medical record, and found that his heart palpitations were due to the consumption of energy drinks high in caffeine. Additionally, on April 11, 2025, the appellant's prescriber provided a form indicating that the appellant was "cleared from mental health perspective for the job." Moreover, the appellant emphasizes that Dr. Kanen examined him and found that he was functioning entirely within the normal range and that he is psychologically suitable for employment as a Police Officer. As a result, the appellant maintains that the Panel correctly concluded that he is psychologically suitable. He requests that the Civil Service Commission (Commission) accept and adopt the recommendation of the Panel.

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, the duties and abilities encompassed therein, and the Report and Recommendation of the Panel, which found the appellant to be psychologically suited to serve as a Police Officer. The Commission is not persuaded by the exceptions presented by the appointing

² As indicated by the appointing authority's attorney, August 30 and 31, 2025 fell on a Saturday and Sunday, respectively, and Monday, September 1, 2025, was a holiday. Thus, the appointing authority's exceptions were due on Tuesday, September 2, 2025. Accordingly, pursuant to *N.J.A.C. 4A:4-6.5(g)3ii*, the appointing authority's exceptions were filed timely and will be considered.

authority. 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. In this case, the Commission defers to the opinion of the Panel. Additionally, the Commission is mindful that the appellant's suitability will be further assessed during his working test period by the appointing authority and will ultimately demonstrate whether he has the actual ability to successfully perform the duties of a Police Officer.

Therefore, having considered the record, including the Job Specification of Police Officer and the duties and abilities encompassed therein, the Report and Recommendation issued thereon, and the exceptions and cross exceptions filed by the parties, 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 grants the appellant's appeal.

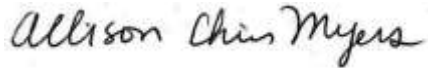
ORDER

The Commission finds that the appointing authority has not met its burden of proof that P.Z. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that his name be restored to the subject eligible list. Absent any disqualification issue ascertained through an updated background check conducted after a conditional offer of appointment, the appellant's appointment is otherwise mandated. A federal law, the Americans with Disabilities Act (ADA), 42 U.S.C.A. §12112(d)(3), expressly requires that a job offer be made before any individual is required to submit to a medical or psychological examination. *See also* the Equal Employment Opportunity Commission's *ADA Enforcement Guidelines: Preemployment Disability Related Questions and Medical Examination* (October 10, 1995). That offer having been made, it is clear that, absent the erroneous disqualification, the aggrieved individual would have been employed in the position.

Since the appointing authority has not supported its burden of proof, upon the successful completion of his working test period, the Commission orders that the appellant be granted a retroactive date of appointment to May 5, 2025, the date he would have been appointed if his name had not been removed from the subject eligible list. This date is for salary step placement and seniority-based purposes only. However, the Commission does not grant any other relief, such as back pay or counsel fees, except the relief enumerated above.

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 26TH DAY OF NOVEMBER, 2025



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