



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Nicolas Vandervoort,
Fire Fighter (M1563T), Paterson

CSC Docket No. 2017-3142

Examination Appeal

ISSUED: **MAY 19 2017**

(RE)

Nicolas Vandervoort requests a retest of the physical performance portion of the examination for Fire Fighter (M1563T), Paterson.

The appellant took the physical performance portion of the subject examination on March 7, 2017. The physical performance portion of the exam consisted of three parts, the obstacle course, the ladder climb, and the darkened maze, and each portion had a passing point. The ladder climb and the darkened maze were pass/fail, i.e., candidates who performed the exercise faster than the passing time passed that portion of the exam, and those who performed the exercise slower than the passing time failed. The appellant took the obstacle course exercise, and afterwards needed medical attention. The passing point for the obstacle course was 5 minutes, and the appellant completed it in 5 minutes, 10.1 seconds. As such, he failed the obstacle course.

In a letter dated March 31, 2017, the appellant argues that he took the examination although he was not feeling well. He argues that, during the obstacle course, he became severely dehydrated, had trouble breathing, and was unable to complete the course. He was transported by ambulance to Robert Wood Johnson Medical Center, and he states that he was in no position to file an appeal for a make-up test. He states that when he was released from the hospital, he returned to the test site, but everyone was gone. The appellant submits a script from his doctor dated March 13, 2017. It states that the appellant had an upper respiratory illness and dehydration which negatively affected his ability to perform on May 7 2017. With his appeal he submits a copy of the medical report from the Emergency

Department where he was transported and treated after the incident, which indicates a diagnosis of syncope¹ and dehydration.

CONCLUSION

The record establishes that appellant was scheduled to take the physical performance portion of the subject examination on March 7, 2017 and did so. While the appellant claims that he did not finish the obstacle course, in truth, he crossed the finish line. The Center Supervisor in charge of each site is required to complete a report of any adverse situations that occur during a given administration. In this case, the Center Supervisor indicated that the appellant failed the obstacle course with a time of 5 minutes, 10.1 seconds. It was noted that he was distressed, administered oxygen, and then an ambulance was called. Although he was diagnosed with syncope at the hospital, when at the test center the appellant never lost consciousness. Rather, once he completed the course, he collapsed at the finish line. Personnel on scene report that firefighters immediately picked him up and brought him to a chair while another placed an oxygen mask on him. The candidate resisted the oxygen and told the firefighters he could not breathe with it on. It was explained to him that he needed the mask to get the air back into his body. At this time, the candidate's legs were visibly discolored even several minutes after both water and oxygen were provided to him, and therefore an ambulance was called. The candidate was conscious throughout, as well as when he left on the stretcher.

It is noted that the doctor's note provided by the candidate is dated 23 days after he had taken the test. Thus, this documentation cannot timely describe the appellant's condition on the test date. As the appellant has already taken the examination he does not request a makeup examination, but a re-test. A re-test as not warranted in under these circumstances. If the appellant was ill on March 7, 2017, it was his obligation to inform the test administration personnel, and request a make-up examination. Rather, he decided to take the examination with his physical condition as it was. Indeed, the appellant provided a Medical Clearance Form prior to taking the examination, including a Disclaimer of Liability which he signed. This disclaimer states:

Participation in the firefighter physical performance test involves strenuous physical activities which require strength, endurance and speed. You will be allowed to participate in this test only if you have been examined by a physician who certifies that you can safely perform the physical performance test without injury. The State of New Jersey has no knowledge of your physical condition or abilities and must therefore rely upon your representation and the representation of your

¹ A temporary loss of consciousness caused by a fall in blood pressure.

physician that you can perform this test without injury. Your signature below indicates that you understand that you are assuming all risk connected with participation in this test, that you have been informed that the State of New Jersey assumes no risk or responsibility for any injury incurred during or as a result of your participation in this test, and that no significant changes have occurred in your medical condition since you were examined by the physician whose signature appears above.

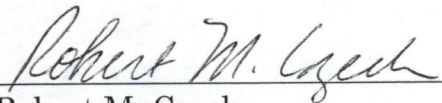
As such, test administration staff are not responsible for determining the candidates' well-being prior to taking the examination. Only the appellant or his physician could have made the decision that he was not well enough to perform the portions of the physical performance test. The appellant determined that he was capable of taking the examination, and he completed the obstacle course. Dissatisfaction with the examination results, regardless of what happens after the examination is completed, is not a basis for a retest.

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
THE 17th DAY OF MAY, 2017



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