



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of T.D.E., Fire Fighter
(M1844W), City of Jersey City

CSC Docket No. 2020-1532

Medical Review Panel

ISSUED: OCTOBER 23, 2020 (DASV)

T.D.E., represented by Daniel J. Zirrith, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M1844W) 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 July 31, 2020, which rendered a report and recommendation dated August 4, 2020. No exceptions were filed by the parties.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant’s history of substance abuse and poor judgment In that regard, Dr. Robert Rekker, the appointing authority’s evaluator, found that the appellant was arrested twice for possession of marijuana and had been using marijuana from the age of 17 until a few months after his second arrest in 2017. Additionally, Dr. Rekker indicated that the appellant reported that he consumes “between eight and ten beers once a month.” However, the appellant’s evaluator, Dr. Daniel Gollin, clarified that the appellant disclosed having eight to 10 drinks as the *most* he had consumed in the past year and that he typically has “4-6 beers in a 2-3 hour period.” The appellant also conveyed to Dr. Gollin that he has never consumed alcohol to the point of “experiencing a blackout.”

Upon its evaluation, the Panel noted the concerns of the pre-appointment evaluation and discussed the appellant's marijuana use. The appellant indicated that he has abstained from marijuana since 2017 and has never sold cannabis. Regarding his alcohol consumption, the appellant stated that he has a total of "two to three beers every couple of weeks" and has consumed more on "social events." In that regard, the appellant reported that he would consume a total of eight to 10 drinks at events, such as barbeques and weddings. He noted that he has last been intoxicated this past New Year's Eve. The appellant also denied ever drinking and driving. In conclusion, the Panel determined that there was no pattern of poor judgment regarding the appellant's personal relationships and work life. The appellant has primarily worked as a restaurant server. He has also ceased using marijuana. However, the Panel was concerned with the appellant's alcohol consumption. It stated that "it is unclear if [the appellant] is currently consuming alcohol in a responsible manner. [The appellant] has provided different estimates of his alcohol consumption . . . [and] until a more definitive assessment of [the appellant's] alcohol consumption is completed, his suitability for the position sought cannot be determined." 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 "should focus on the extent, to which, if any" [the appellant's] alcohol use could affect his ability to carry the job responsibilities for the position he seeks."

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 assessment of the appellant's alcohol consumption and whether his behavior in that regard deems him psychologically unsuitable for a Fire Fighter position.

ORDER

The Commission therefore orders that T.D.E. 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.

T.D.E. 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

[REDACTED]
[REDACTED]
[REDACTED]

If T.D.E. 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 21ST DAY OF OCTOBER 2020

Deirdre' L. Webster Cobb

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