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STATE OF NEW JERSEY

DECISION OF THE CIVIL SERVICE COMMISSION

In the Matter of Luis DeLeon

CSC Docket No. 2017-533
OAL Docket No. CSR 13016-16

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ISSUED: MAY 04 2017 (ABR)

The appeal of Luis DeLeon, a Sheriff's Officer with the Camden County Sheriff's Department, of his removal, effective July 22, 2016, on charges, was heard by Administrative Law Judge Joseph Lavery (ALJ), who rendered his initial decision on February 21, 2017. Exceptions were filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a review of the testimony, the Civil Service Commission (Commission), at its meeting on April 19, 2017, accepted and adopted the Findings of Fact and Conclusion, as contained in the attached initial decision, and the ALJ's recommendation to reverse the removal.

DISCUSSION

The appellant was charged with conduct unbecoming a public employee and other sufficient cause. Specifically, the appointing authority asserted that the appellant provided false and misleading information by failing to disclose his involvement in five prior domestic violence incidents during pre-employment processing, as required. Upon the appellant's appeal, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case.

The ALJ set forth in his initial decision that the appointing authority required the appellant to complete a Fitness-For-Duty Evaluation in December 2015 after he was involved in a domestic violence incident, charged with simple

assault and had a temporary restraining order (TRO) filed against him. The appellant was suspended following that incident and the Fitness-For-Duty Evaluation occurred after the simple assault charge was dismissed without prejudice for six months and the TRO against the appellant was also dismissed. Jennifer Kelly, Ph.D., ABPP administered the Fitness-For-Duty Evaluation on December 29, 2015 and deemed the appellant to be fit for duty, but noted that the appellant made statements which were inconsistent with his responses during a November 2014 pre-employment psychological evaluation, which was part of the pre-employment process that culminated in his appointment to the title of Sheriff's Officer. In that regard, Dr. Kelly indicated that the appellant, during the December 2015 Fitness-For-Duty Evaluation admitted to his involvement in five domestic violence incidents prior to his employment with the appointing authority, including one where he held down the hands of his child's mother in order to grab his keys out of her hand, and another where his child's mother had threatened to burn him with an iron, grabbed him by his shirt, and pulled him back while holding that iron. Dr. Kelly stated that the appellant failed to disclose those incidents during the pre-employment psychological evaluation. None of the five incidents predating the appellant's employment with the appointing authority involved police intervention or resulted in criminal charges. Based upon Dr. Kelly's assertions in her Fitness-For-Duty Evaluation, the appointing authority conducted an internal investigation of the appellant and removed him for his apparent failure to report past domestic violence during the November 2014 pre-employment psychological evaluation.

The appellant testified that Dr. Kelly's questions during his pre-employment psychological evaluation were derived from his responses to three questionnaires he completed prior to the interview. The appellant stated that Dr. Kelly's "Aggression History" question asked if he had been involved in any fights, using examples of bar fights and similar scuffles. The appellant said that, based upon the way the "Aggression History" question was posed, he told Dr. Kelly that he had not been involved in any fights. The appellant also indicated that he answered "no" to Dr. Kelly's "Relationship History" question, which asked if he had "ever been charged with domestic violence, any restraining orders, or [had] any feuds with anyone?" The appellant testified that he believed his statements to Dr. Kelly were truthful based upon the way she formulated her questions and the rigid nature of the interview. The appellant stated that the Fitness-For-Duty Evaluation was conducted in a different manner, where Dr. Kelly's line of questioning concerning domestic violence was far more specific, with questions that referenced the November 2015 incident. The appellant also indicated that the Fitness-For-Duty Evaluation was more conversational, where Dr. Kelly would ask follow-up questions if she needed him to elaborate or expand upon a statement. As to the incident where he grabbed his child's mother's arm, the appellant testified that he was attempting to leave the premises of his child's mother, but she got hold of his keys and refused to return them. The appellant indicated that he grabbed one of her arms in an effort to recover his keys, but that she then moved them into her other

hand. The appellant stated that he proceeded to grab her other arm and bring it down to her waist, at which point he recovered his keys and left the premises. The appellant maintained that he did not pin her down during this incident and that no physical altercation followed that event. The appellant testified that the incident with the iron merely involved her threatening him.

The ALJ indicated that the case hinged upon whether the appellant's answers during the pre-employment psychological evaluation were truthful. In that regard, the ALJ observed that the appointing authority needed to prove that a reasonable candidate for a Sheriff's Officer position would understand that Dr. Kelly's questions during the pre-employment psychological screening would require those incidents to be disclosed as "domestic violence." The ALJ found that Dr. Kelly's questions, as posed during the pre-employment interview, were more in the nature of "yes" or "no" options and did not invite the detailed responses that the appellant provided during the subsequent Fitness-For-Duty Evaluation. The ALJ observed that the appellant was forthright about his relationship with his child's mother during the Fitness-For-Duty Evaluation, even though his openness could have negatively impacted his employment. The ALJ saw no evidence that the appellant would have concealed the five incidents during the pre-employment psychological evaluation if it had been structured in the same manner as the Fitness-For-Duty Evaluation. The ALJ believed the appellant was truthful in testifying that he perceived the pre-employment psychological evaluation questions concerning aggression to address bar brawls and similar incidents. Accordingly, the ALJ found the appellant's demeanor and the persuasiveness of his testimony concerning the nature of the pre-employment psychological interview, including his belief that he answered Dr. Kelly's questions to the extent required, to be credible. The ALJ also found that the appointing authority failed to demonstrate that Dr. Kelly's questions during the pre-employment were formulated in a way that made it reasonably clear that the appellant was required to disclose the five incidents which predated that interview, particularly since there was no written evidence in the record which spoke to the content of Dr. Kelly's questions.

In its exceptions, the appointing authority, represented by Catherine Binowski, Assistant County Counsel, argues that its removal of the appellant should be sustained as the ALJ erred in requiring it to prove its definition of "domestic violence" and in concluding that the appellant was not untruthful during the pre-employment psychological evaluation. It maintains that the ALJ erred in requiring it to prove its definition of "domestic violence" because the appellant never claimed that he did not understand what that term meant and he was the one who characterized the five underlying incidents as "domestic violence" during the Fitness-For-Duty Evaluation. As to the appellant's untruthfulness, the appointing authority contends that the ALJ did not accord proper weight to Dr. Kelly's testimony that she asked the appellant about prior intimate relationships and whether he had a history of domestic violence or physical violence during the pre-

employment psychological evaluation. The appointing authority argues that there is no basis in the record to support the ALJ's finding that the appellant believed he was obligated to report only domestic violence involving police intervention, formal charges, or convictions during the pre-employment psychological interview with Dr. Kelly. It notes that the appellant stated on direct examination that he was asked during the pre-employment psychological evaluation whether he had "ever been involved in domestic violence." The appointing authority emphasizes that Dr. Kelly's questions about domestic violence incidents during the pre-employment psychological evaluation were not limited in scope to events involving criminal charges. It maintains that the only instance where a question was limited to the appellant having "ever been charged with or convicted of any domestic violence offense," was in the pre-employment application, not the pre-employment psychological evaluation with Dr. Kelly. The appointing authority also observes that both the appellant and Dr. Kelly confirmed that the appellant was asked during the pre-employment psychological evaluation if he was involved in any physical altercations after turning age 18. It maintains that the appellant was untruthful in denying such a history because the incidents he described to Dr. Kelly during the Fitness-For-Duty Evaluation and before the ALJ were physical altercations. Accordingly, the appointing authority argues that its removal of the appellant should be sustained, as the appellant's failure to disclose those prior domestic violence incidents was false, misleading and violated its rules regarding truthfulness.

In the instant matter, the principal issue is whether the appellant was untruthful in the answers he provided to Dr. Kelly during his pre-employment psychological evaluation in November 2014. As such, the Commission must ascertain whether it was reasonable for the appointing authority and Dr. Kelly to expect the appellant to have disclosed the five incidents at issue during the pre-employment psychological evaluation based upon Dr. Kelly's questions. While the record includes Dr. Kelly's written summaries of the appellant's answers during the evaluation questions, it does not contain any documentation with the exact questions Dr. Kelly asked the appellant during either the pre-employment psychological evaluation or the Fitness-For-Duty Evaluation. Consequently, the testimony of the appellant and Dr. Kelly constitute the only significant evidence of Dr. Kelly's questions to the appellant during those sessions. This necessarily requires a determination of the credibility of both the appellant's and Dr. Kelly's accounts of the interviews. The Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record

as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by the credible evidence or was otherwise arbitrary. Nevertheless, upon review of the entire record, including the testimony provided at the hearing, the Commission finds that there is sufficient evidence in the record to support the ALJ's credibility determinations. With regard to the standard for overturning an ALJ's credibility determination, *N.J.S.A. 52:14B-10(c)* provides, in part, that:

The agency head may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record.

See also N.J.A.C. 1:1-18.6(c); Cavalieri v. Public Employees Retirement System, 368 *N.J. Super.* 527 (App. Div. 2004). The Commission finds that in this case, this strict standard has not been met.

In the instant matter, the ALJ provided explicit detailed reasons for his credibility determinations and the Commission agrees with those determinations. The appellant testified that the November 2014 pre-employment psychological evaluation was more rigid and less conversational in nature than the December 2015 Fitness-For-Duty Evaluation. The appellant noted that Dr. Kelly asked him to elaborate on some of his responses during the Fitness-For-Duty Evaluation, but did not recall her doing so during the pre-employment psychological evaluation. That account appears to be consistent with Dr. Kelly's testimony that her pre-employment psychological evaluation and Fitness-For-Duty Evaluation interviews with the appellant were structured differently. It is noted that Dr. Kelly explained that her pre-employment psychological evaluation interview with the appellant was more structured and her questions mirrored those contained in a written Personal Background Questionnaire completed by the appellant prior to their session. Dr. Kelly stated that the Fitness-For-Duty Evaluation, in contrast, was a "semi-structured interview," where she formulated her questions in response to his statements, rather than planning them ahead of the interview. She indicated that her questions during the Fitness-For-Duty Evaluation were more pointed, as they referenced the events which transpired during the underlying 2015 domestic violence incident.

When Dr. Kelly asked the appellant about domestic violence incidents in the November 2014 pre-employment psychological evaluation, the appellant had not yet been hired or formally trained by the appointing authority. There is no indication that police had ever been called to respond to a domestic violence incident involving

the appellant as of that date. The only altercation in the record involving the appellant making physical contact with his child's mother prior to his employment with the appointing authority was an incident where she took his keys in an attempt to prevent him from leaving her and he "grabbed her arm and grabbed [his] keys," without pinning her down, and proceeded to walk out. Prior to his pre-employment psychological evaluation, the appellant had completed a pre-employment application which asked if he had "ever been charged with or convicted of any domestic violence offense." Both Dr. Kelly and the appellant maintain that the physical altercation examples Dr. Kelly provided during the pre-employment psychological evaluation were bar fights and similar brawls. Against this backdrop, the Commission believes that the ALJ could reasonably conclude that Dr. Kelly's examples of bar fights and brawls and the pre-employment application's reference to criminal charges did not reasonably put the appellant on notice that he would need to disclose the five aforementioned incidents, including one where he recovered his keys from his child's mother's arm. The ALJ's conclusion is bolstered by the fact that Dr. Kelly's questioning during the pre-employment psychological evaluation did not appear to employ questions which were meant to elicit detailed responses from the appellant or expand upon the answers he provided in the way that the Fitness-For-Duty Evaluation did.

One final comment is warranted. The Commission notes that its decision is based on the testimony and evidence in this matter regarding whether the appellant's answering of the questions asked regarding "domestic violence" were truthful. In this regard, the testimony and evidence demonstrates that his answers comported with his understanding of what that phrase meant during both evaluations. Thus, the actual definition of that phrase is immaterial since the substantive issues were the content of Dr. Kelly's questions, the appellant's responses to those questions, and the truthfulness of his answers.

Accordingly, the Commission agrees with the ALJ's conclusions and dismisses the disciplinary charges against the appellant. As such, the appellant is entitled to immediate reinstatement and back pay and benefits for the period of his separation from employment. *See N.J.A.C. 4A:2-2.10.* Additionally, since the appellant's disciplinary charges were dismissed, he is entitled to reasonable counsel fees pursuant to *N.J.A.C. 4A:2-2.12.*

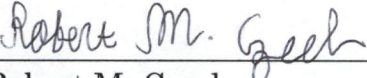
This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, in light of the Appellate Division's decision, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. February 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay and/or counsel fees is finally resolved.

ORDER

The Civil Service Commission finds that the appointing authority's action in removing Luis DeLeon was not justified. Therefore, the Commission reverses the appellant's removal and orders that the appellant be granted back pay, benefits and seniority for the period of his separation from employment. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C. 4A:2-2.10*. The appellant is also entitled to reasonable counsel fees pursuant to *N.J.A.C. 4A:2-2.12*. An affidavit of mitigation and an affidavit of services in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. Pursuant to *N.J.A.C. 4A:2-2.10* and *N.J.A.C. 4A:2-2.12*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay and/or counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay and/or counsel fees dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to *R. 2:2-3(a)(2)*. After such time, any further review of this matter should be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF APRIL, 2017



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 13016-16

**IN THE MATTER OF LUIS DE LEON,
CAMDEN COUNTY.**

Andre A. Norwood, for appellant Luis DeLeon

Catherine Binowski, Assistant County Counsel, for respondent Camden
County (Christopher A. Orlando, attorney)

Record Closed: January 5, 2017

Decided: February 21, 2017

BEFORE **JOSEPH LAVERY**, ALJ t/a:

Luis DeLeon, appellant, brings this appeal before the Civil Service Commission, asking for reinstatement following his removal for cause. The appointing authority has terminated him on charges of giving "false and misleading" information during a psychological examination undertaken on November 25, 2014 by not disclosing incidents of "domestic violence" later revealed in a Fitness-For-Duty assessment on December 29, 2015.

Respondent Sheriff's Office of Camden County, appointing authority, contests the appeal, and asks that appellant's removal be upheld as the proper penalty

for untruthfulness, in violation of those regulations cited in its final notice of disciplinary action dated July 22, 2016 (Exhibit J-3).

Today's Initial Decision reverses the penalty of removal and restores appellant to his position of Sheriff's Officer, County of Camden.

PROCEDURAL HISTORY

This is an appeal filed in the Office of Administrative Law (OAL) on August 23, 2016, pursuant to L. 2009, c. 16, supplementing Title 40A of the New Jersey Statutes (N.J.S. 40A:14-200 through -212) and amending N.J.S. 40A:14-150 and N.J.S. 40A:14-22.

Originally, this case was assigned for hearing to Honorable Robert Bingham, II, by the Acting Director and Chief Administrative Law Judge. Following the judge's appointment to the Superior Court, the case was calendared with the undersigned. On January 5, 2017, plenary hearing convened and concluded, thus closing the record.

STATEMENT OF THE CASE

Background:

Many of the material facts are not in dispute:

Following a conditional offer of employment in November of 2014, appellant, previously a State employee with the Department of Transportation and a veteran of service in Iraq as a National Guardsman, underwent what the appointing authority, Camden County Sheriff's Office, refers to as a "post-offer psychological screening." The screening occurred on November 25, 2014. This process is standard in the Sheriff's Office, and results in a rating by the psychologist/examiner of "qualified," "unqualified," or "indeterminable" for the duties of a sheriff's officer. An appointment to this position

occurs only after a candidate's success in this psychological examination. The police psychologist, Jennifer Kelly, Ph.D., ABPP conducted appellant's interview, which was not recorded. In her report, she certified appellant as "qualified" (Exhibit R-1). The doctor's decision permitted appellant's unfettered appointment.

To reach her conclusion that appellant was qualified for the position, Dr. Kelly's report shows that she made use of a number of "assessment techniques," which were listed therein: the California Psychological Inventory (CPI) and Personality Assessment Inventory (PAI), both utilizing the Public Safety and Selection Report; the Psychological History Questionnaire (PsyQ) (Exhibit R-10); the Comprehensive Clinical Interview, and a review of agency-provided background records.

Dr. Kelly also resorted to use of "psychological screening dimensions," which allowed her to estimate the "anticipated degree of risk of performance problems on essential job elements for public safety positions." These estimates were gauged as "high," "mod" [moderate], or "low" (Exhibit R-1, at 1-2). In the case of appellant, Dr. Kelly found that all the dimensions placed him at "low" anticipated degree of risk, except in "Cluster D: Work Attitudes." In a subsection thereof, set apart by the introduction: "Integrity/Ethics," the dimension to be measured was described as:

Integrity/Ethics: Maintains high standards of personal conduct; exhibits attributes such as honesty and trustworthiness; conforms to laws and personal commitments etc.

[Exhibit R-1, at. 2; emphasis added]

She assessed appellant's likelihood of performance problems with respect to the foregoing characteristics as being of "moderate" risk.

Also pertinent in this report are Dr. Kelly's comments on page 4, quoted here:

Aggression History:

Mr. DeLeon denied involvement in any physical altercations since turning 18.

Relationship History:

Mr. DeLeon is single with one child who resides with the child's mother. He denied a history of Division of Child Protection and Permanency involvement and indicated he pays child's support based on a mutually agreed upon amount. He denied a history of having a restraining order filed against him or a history of perpetration of domestic violence. Mr. DeLeon currently lives alone. He does not feel there is anything about his current relationship that would negatively interfere with the prospective position.

[ibid. Emphasis added]

Dr. Kelly characterized this first session with appellant as a "clinical interview." Her professional conclusions arose from that interaction. She also gained insight from appellant's completion of a psychological history questionnaire, as well as by review of the collateral materials provided by the Sheriff's Office. Dr. Kelly specifically listed the topics of discussion and testing, with short summaries of what appellant divulged. The topics addressed were "Education;" "Employment;" "Military Service;" "Previous Public Safety Psychological Assessments;" "Previous Public Safety Employment;" "Driving Record;" "Financial History;" "Legal History;" "Substance Use;" "Aggression History;" "Relationship History;" "Mental Health History and Provider Contact;" and "Recreation." [Id., at 3-4].

Dr. Kelly concluded over all:

In consideration of the assessment information available to me at this time, I conclude that Mr. DeLeon satisfies the minimum standard for psychological qualification as a Sheriff's Office [sic] with the Camden County Office of the Sheriff. No specific deficits in essential job elements were identified in the present evaluation and Mr. DeLeon was found to possess the full range of psychological competencies and traits known to be associated with successful performance as a law enforcement officer.

[Id., at 5]

Appellant, thus cleared by Dr. Kelly, was appointed to the position of sheriff's officer pending successful performance at the New Jersey Police Training Academy¹.

Appellant's time on the force thereafter was not marked by any negative incident of record until November 2015. At that point, specifically on November 14, 2015, he was the subject of a complaint-summons in Pennsauken Township, initiated by his child's mother, charging simple assault. A temporary restraining order issued on that date. Appellant was suspended from his law enforcement duties and was required to surrender his weapons. On December 8, 2015, the order was eventually dissolved, and replaced by a consent order. The simple assault charge was dismissed without prejudice, for six months (Exhibits R-2, R-3).

As a consequence of this event and its resolution, the appointing authority, pursuant to Attorney General Guidelines for dealing with domestic disputes, requested that Dr. Kelly administer a "Fitness-For-Duty" psychological examination (Exhibits R-2, R-3). It took place on December 29, 2015. The examination differed from appellant's post-offer evaluation, being concerned only with his fitness to return to full-job performance, rather than with exploring his pre-employment psychological state. The tests administered were also not the same as in appellant's first screening. They were: the Minnesota Multiphasic Personality Inventory, the State Trait Anger Inventory, and the Substance Abuse Subtle Screening Inventory.

The interview of appellant with Dr. Kelly, which again was not recorded, was in-depth, and during it the child's mother, A.E., who had brought the complaint on November 14, 2015, was telephoned for questioning. This attempted inquiry was not successful:

[A.E.] was contacted by myself and asked if she would be willing to speak about her relationship with Mr. DeLeon as well as the domestic incident in question. [A.E.] indicated that she was not interested in speaking to me or

¹ Begun in August 2015 according to Dr. Kelly's Fitness for Duty Report (Exhibit R-3, at 4).

answering any questions as she did not want to be responsible for negatively impacting Mr. DeLeon's job.

[Exhibit R-3, at 3]

Dr. Kelly in her questioning of appellant explored the incident of November 14, 2015, which had prompted the Fitness-For-Duty evaluation. She summarized in her report her version of the information provided by appellant describing what had occurred (Exhibit R-3, at 4, full paragraphs 1-4). Additionally, Dr. Kelly offered her further summation of what appellant told her regarding another, earlier incident in February 2015. [*Id.*, at 5, first full paragraph]. Both events happened after her post-offer psychological evaluation in the prior year, on November 25, 2014.

However, beyond these two events, Dr. Kelly, in this same Fitness-for-Duty Report, declared that her examination on December 29, 2015, had unearthed "inconsistencies" in appellant's statements from the year before in the post-offer evaluation:

Mr. DeLeon denied all accusation that her [*sic*] pushed or kicked [A.E.] and also denied ever pulling her hair in the past as was alleged by her. Nonetheless, Mr. DeLeon indicated that he and [A.E.] have known each other since 2005 and lived together for three years but he ultimately had her move out when she threatened to burn him with an iron in 2012. On occasion he indicated that she had grabbed him by the shirt and pulled him back with the iron in her hand. During their relationship, Mr. DeLeon stated they have had five domestic violence incidents, including one in which he grabbed her arms and held them down in order to get his keys from her hand. He stated that none of the prior domestic incidents were reported to the police. The fact that the couple had numerous domestic incidents in the past was inconsistent with what Mr. DeLeon had reported to me one year prior when his [*sic*] was evaluated for hire with the Camden County Office of the Sheriff.

[*Id.*, at 4-5; emphasis added]

Because of this assertion of "inconsistency" by Dr. Kelly, the Camden County Sheriff's Office conducted an internal investigation. Relying on the Fitness-For-Duty

suggestion of failure to report past domestic violence in the post-offer interview, the sheriff at the time removed appellant from his position. Appellant brought an appeal, and these proceedings followed.

Arguments of the Parties:

The appointing authority's charge:

The Office of Sheriff, Camden County, as the appointing authority, presented its case through documentary exhibits and testimony. The foremost exhibits pertaining to the final notice of disciplinary action (FNDA) (Exhibits J-2, J-3) specifications which are offered as factual evidence and supplemented by the testimony of their author, Dr. Kelly, are: the Post-Offer Evaluation Report (Exhibit R-1), the Fitness-For-Duty Report (Exhibit R-3) and the Camden County Office of the Sheriff Application For Employment (Exhibit R-4). The appointing authority maintained that, in total, they show by a preponderance of the evidence that appellant in his first interview with Dr. Kelly intended to, and did, withhold information disclosing aggression and domestic violence.

In her testimony, **Dr. Jennifer Kelly, Ph.D., ABPP**, stated that she had been a board certified, licensed psychologist with a concentration in law enforcement pre- and post-employment evaluations for the past ten to eleven years. During that time she had completed over 2,000 such post-offer interviews weekly and perhaps a total of 200 Fitness-For-Duty interviews. In her testimony, Dr. Kelly essentially reiterated what she had conveyed in her two reports.

Dr. Kelly stated that, in the first, post-offer report, appellant had answered that he had never been involved in any "altercations" or "scuffles" after the age of eighteen. She recalled that she had probed further with the additional standard question of whether he had been involved in, or had a history of, interpersonal domestic "violence," or "physical violence," including such as would have the police called to the home because of "interpersonal contact," or "aggression," or whether a restraining order for such behavior

had ever been issued. His answer, according to Dr. Kelly, was that none of these things had ever occurred (Exhibit R-1, at 4, "Aggression History;" Id., "Relationship History."). She noted that he completed a "very detailed" psychological history questionnaire, which covered the same topic, inquiring as well whether there had ever been "slapping, hitting, interpersonal conflict relationships" (Exhibit R-10). The questionnaire warned each examinee that lack of honesty in answering could result in not being qualified for the position. Appellant signed, Dr. Kelly recalled, attesting that he understood his need for total honesty.

In December 2015 (Exhibit R-3), Kelly further observed that appellant had again been asked about "incidents of domestic violence" with his child's mother, A.E., which had precipitated the need for this evaluation. However beyond this, and because of his long-standing relationship with this woman, appellant described other "incidents" which took place which had not been disclosed during the earlier post-offer examination. Dr. Kelly said she summarized their conversation in her report (Id., at 4-5).

Dr. Kelly stated that during their three years together there were five physical altercations. One involved A.E.'s threat with the hot iron in 2012, another involved appellant pinning her down because she had taken his keys. She was "absolutely" certain that appellant had indicated that these incidents pre-dated her first, post-offer evaluation, and that this behavior was not unusual between the two. This, despite his earlier denial at that time of any such conduct. This, Dr. Kelly felt, was an inconsistency. Therefore, she concluded, appellant had been untruthful. Lack of veracity would have been sufficient grounds for her to not recommend appellant for employment, had she known during the earlier post-offer interview. Domestic violence is a critical element particularly relevant to self-control in police work, she emphasized. For that reason, she brought it to the attention of the appointing authority (Exhibit R-3, at 5).

However, Dr. Kelly added, because of the American With Disabilities Act (ADA), only a finding of underlying psychiatric condition would have allowed her to find lack of

fitness to be restored to his job. In contrast, lack of truthfulness, was an administrative, not a medical, problem.

Dr. Kelly agreed that her summary (Ibid.) was not a quotation. She conceded that her questions during the Fitness-For-Duty examination were more pointed and detailed than in the post-offer evaluation, now that more information was in place to draw on. On the other hand, she was certain that the general questions she asked in the second interview were also asked during the first evaluation. Dr. Kelly explained that she had made more expansive inquiries in the second interview only because she had learned more from appellant. She believed the headings in her reports were not “relevant” to what were the actual questions she had asked during each interview about physical violence.

Sergeant Corinne Mason, the sergeant-in-charge of the internal investigations for the Camden County Sheriff’s Office, testified that appellant’s psychological examination inconsistencies, as found by Dr. Kelly, proved he had been dishonest. She recalled that this same report showed that appellant had held down the hands of the mother of his child in order to retrieve his keys. This was assault as defined in the “2C,” the “Criminal Code” and the “Domestic Violence Act.” Sergeant Mason stated that she could not be expected to recite the specific titles and content of these legal references from memory. In any event, she stated, “anyone” would recognize this incident as an altercation which should have been disclosed to Dr. Kelly in the post-offer examination in answer to the questions concerning Aggression History and Relationship History (Exhibit R-1, at 4).

Camden County Sheriff Gilbert Wilson testified that, though only in the office for one year, he was familiar with the case. He confirmed that dishonesty in police work warranted removal from the position, since honesty is the foundation of police work. His office’s Manual of Rules and Regulations assesses untruthfulness as a Class 1 offense, thus requiring dismissal (Exhibit R-6, at 3, Rule 3.14.19, at 30). The sheriff concluded

from review of Dr. Kelly's reports that there were clear discrepancies in appellant's answers to the questions in issue.

The County argued in summation that the facts confirm appellant's failure to disclose, on his application (Exhibit R-4) and during the post-offer phase, five domestic violence events occurring earlier than appellant's pre-employment application. This document and the psychological assessments together prove by a preponderance that appellant was dishonest. In the view of the Sheriff's Office, untruthfulness warrants removal.

Appellant's case in reply:

Relying entirely on his own testimony, appellant denied that he had been untruthful during the post-offer interview with Dr. Kelly. He maintained that during this first interview with her the question-and-answer session had been more direct. No elaboration was possible. With respect to aggression, he interpreted these questions as referring to bar fights and the like. He had engaged in none. As to relationship history, Dr. Kelly had asked whether he had experienced a restraining order or been in any feuds with others.

The second interview (Exhibit R-3), he recalled had been more conversational and open-ended, in his recollection. Dr. Kelly typed as they talked and asked follow-up questions, appellant said. This allowed him to be voluntarily more descriptive of the history with the baby's mother, which had included friction, at times physical, which marked their relationship. He gave Dr. Kelly more detailed replies, including dates and times. She had asked that he elaborate. During the first interview, appellant insisted, he was telling the complete truth in answer to the questions in the form that they had been asked. In appellant's memory, she had only asked if he had been involved in domestic violence or had been under a restraining order.

In sum, appellant declared, the first interview called for more of “yes-or-no” answers, while the second interview had been more “loose” and “relaxed.” In neither instance had he been untruthful, appellant stated. Appellant thought it significant that none of the incidents Dr. Kelly had described in the Fitness-For-Duty report had been assigned specific dates or times.

On cross-examination, however, appellant acknowledged that, pre-employment and prior to the post-offer interview, he had been involved in what had been characterized as “domestic violence” incidents. He agreed that he had not reported them during this first evaluation. Nonetheless, he did not agree that he had been untruthful by not disclosing them, since they did not involve outside intervention. For the same reasons, he had not divulged these incidents on his application for employment, which also asked about domestic violence (Exhibit R-4, at 18).

Addressing the later Fitness-For-Duty interview, appellant recalled voluntarily telling Dr. Kelly of some domestic incidents involving himself and the baby’s mother. He believed these outbursts centered on A.E.’s fear that he would leave her. He recalled that on one occasion she had grabbed his shirt and pulled him back. On another occasion, he added, she had made threats with a hot iron, without physical involvement. During an argument in which she had been shifting his keys from hand-to-hand to prevent his departure, appellant was certain he had done no more than hold down her arms to retrieve the keys. “I grabbed her arms and grabbed my keys.”² He denied “pinning her down” and stated that his intent was to remove himself from the house.

In closing statement, appellant argued that he believed that he had been asked whether he had been charged or convicted of domestic violence on his application. He knew he had not. During the post-offer interview, his answer responded to the questions posed, e.g., whether he had been in aggressive and violent altercations, such as bar fights, in which he had never been a participant. Dr. Kelly’s questions were yes-

² Office of Administrative Law sound recording, DeLeon OAL Dkt. No. CSR 13016-17, at 11:59.14 a.m., January 5, 2017.

or-no in nature, appellant insisted. There had been no invitation to expand or explain. During the post-offer interview he did not think that he was being asked about more than formal domestic charges and conviction. When questioned in detail and at length in the Fitness-For-Duty interview, he maintained that he had been completely honest and open. Further, he had never “threatened, assaulted or harassed” another person, as asked in his application. Finally, appellant argued, it is not actually known what exactly was asked in either unrecorded interview, and this information is fundamentally necessary to determine whether he had been truthful.

Burden of proof:

The burden of persuasion falls on the agency in enforcement proceedings, such as those in which it is sought to prove an employee has engaged in violations susceptible to removal as a penalty, under controlling regulations, Cumberland Farms, Inc. v. Moffett, 218 N.J. Super. 331, 341 (App. Div. 1987). The agency must prove its case by a preponderance of the credible evidence, which is the standard in administrative proceedings, Atkinson v. Parsekian, 37 N.J. 143 (1962). Precisely what is needed to satisfy the standard must be decided on a case-by-case basis. The evidence must be such as to lead a reasonably cautious mind to a given conclusion, Bornstein v. Metropolitan Bottling Co., 26 N.J. 263 (1958). Preponderance may also be described as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power, State v. Lewis, 67 N.J. 47 (1975).

Findings of fact:

To resolve disputes of material fact I make the following **FINDINGS:**

1. Appellant and the mother of his child, A.E., during the three years they lived together engaged in five angry "domestic incidents"³ which at times turned physical to an unknown degree. These incidents predated appellant's post-offer interview Dr. Kelly.
2. The extent of violence, if any, inherent in these five instances of argumentative physicality is not of record, with the exception of: (a) A.E.'s threat against appellant with a hot iron, (b) an occasion when A.E. pulled him by the shirt, and (c) the event when appellant held A.E.'s arms in order to retrieve his car keys which she had taken and was withholding to prevent his leaving.
3. Appellant never pushed, kicked or pulled the hair of A.E.⁴
4. In the Post-offer interview with Dr. Kelly, Appellant did not disclose any of the foregoing history of five disputes with A.E.
5. In the post-offer interview, appellant believed he was obliged only to report domestic violence which had involved police intervention, formal charges, or convictions for that offense. Questions on aggression he interpreted as referring to bar fights and the like.
6. In the post-offer interview, Dr. Kelly questioned appellant more narrowly than in the Fitness-For-Duty interview. These questions invited only brief, constrained answers.
7. In the post-offer interview, appellant filled out a Psychological History Questionnaire. The questions within it are not in the record, and only the penciled entry-marks on an answer sheet are in evidence (Exhibit R-10)

³ See, Exhibit R-3, at 4-5, Dr. Kelly's Fitness-For-Duty Report.

⁴ Ibid.

ANALYSIS AND CONCLUSION

Analysis:

The charges and specifications:

The appointing authority, in its amended final notice of disciplinary action (FNDA) dated May 3, 2016 provided the specifics for its action:

Incidents(s) giving rise to the charge(s) and the date(s) on which it/they occurred:

On December 29, 2015, during a Fitness for Duty Examination, which stemmed from a domestic violence incident, Camden County Sheriff's Officer DeLeon disclosed he had been involved in five (5) domestic violence incidents in the past, one in 2012. This contradicted statements he made one year earlier in a psychological examination.

On November 25 2014, in accordance with Attorney General Guidelines Internal Affairs Policy & Procedures relative to (Pre-Hire Screening and Investigation), Appendix Q.V.B & Q.IV.C, S/O Luis DeLeon #659 was given a psychological examination as a post-conditional offer of employment. During his psych screening, S/O DeLeon provided false and misleading information, relative to his personal history, indicating he had no history of domestic violence.

[Exhibit J-1]

The appointing authority in this same document charges that appellant's conduct was in violation of Civil Service Rules (N.J.A.C. 4A:2-2.3(a)6 Conduct Unbecoming a Public Employee; N.J.A.C. 41:2-2.3(a)12 Other Sufficient Causes); Attorney General Guidelines Internal Affairs Policy and Procedures relative to (Pre-Hire Screening and Investigation), Appendix Q.IV.C and Appendix Q.V.B.; and finally, Camden County Sheriff's Rules and Regulations: Rule 3.4.19 Truthfulness.

It must be emphasized that, because this is a case seeking imposition of penalty, analysis of the facts of record herein must be restricted to their import when measured against the exact wording of the specifics in the FNDA. Similarly, scrutiny of the regulatory violations of which appellant is accused in the FNDA are also limited to only the foregoing citations listed by the appointing authority. There can be no determination in this tribunal that criminal laws or domestic violence statutes have, or have not, been violated. This tribunal is without authority to do so. Collectively, the FNDA charges and specifications are all that appellant had official notice of to prepare his defense. Consequently, these alone must form the boundaries from within which findings of fact and conclusions of law may be sought.

Untruthfulness is the sole offense to be decided:

This case is about appellant's truthfulness, or lack of it, in his efforts to become a sheriff's officer. The appeal does not call for an adjudication of domestic violence as defined in the law, nor can this tribunal supply its own meaning to the appointing authority's term: "domestic violence." That is the obligation of respondent. Today's Initial Decision resolves the charges as they stand in the appointing authority's final notice of disciplinary action (FNDA). That document (Exhibit J-3) presupposes that appellant engaged in five undefined and largely undescribed episodes of "domestic violence." Its central charge turns on whether he was untruthful in his answers during the post-offer psychological assessment by the police psychologist.

Sworn law enforcement officers are special public officers held to higher standards:

It is important to recall while examining the proofs that well-settled law has established the special nature of sworn law enforcement positions. Twp. of Moorestown v. Armstrong, 89 N.J. Super. 560 (App. Div. 1965), certif. denied, 47 N.J. 80, 219 A.2d 417 (1966)]. In the case of In re Carter, 191 N.J. 474, 485-486 (2007) affirming removal of a police officer who slept while on duty, the Court held:

In matters involving discipline of police and corrections officers, public safety concerns may also bear upon the propriety of the dismissal sanction. See, e.g., Henry v. Rahway State Prison, 81 N.J. 571, 580, 410 A.2d 686 (1980) (affirming appellate reversal of Board decision to reduce penalty from dismissal to suspension for prison guard who falsified report because of Board's failure to consider seriousness of charge); In re Hall, 335 N.J. Super. 45, 51, 760 A.2d 1148 (App. Div. 200) (reversing Board's decision to reduce penalty imposed on police officer for attempted theft from dismissal to suspension), certif. denied, 167 N.J. 629, 772 A.2d 931 (2001); Bowden v. Bayside State Prison, 268 N.J. Super. 301, 305-06, 633 A.2d 577 (App. Div. 1993) (holding that it was arbitrary, capricious, or unreasonable to reduce penalty from removal to six months suspension for prison guard who gambled with inmates for cigarettes), certif. denied, 135 N.J. 469, 640 A.2d 850 (1994).

With the foregoing in mind, if appellant were to be found to have committed an offense of dishonesty, as charged here, it is unlikely that any penalty short of removal would be appropriate. In The Matter of Angelo Reillo, Camden County Police Department, OAL Dkt. No. 1477-14 (June 26, 2014); adopted Civil Service Commission (October 1, 2014).

However, for the reasons outlined below, there is no preponderating evidence that appellant untruthfully "provided false and misleading information, relative to his personal history, indicating he had no history of domestic violence." (Exhibit J-3). This conclusion derives from the facts of record. Today's decision is not in any way intended to suggest that dishonesty during a psychological evaluation conducted by a police psychologist could not be a chargeable offense. Neither are the rules and regulations cited in the FNDA by the Office of Sheriff, Camden County inapposite when untruthfulness is established.

The proofs necessary:

Thus informed by the law, it must now be said that the record is replete with discussion of appellant's domestic disputes with his child's mother. However, what the appointing authority must show with preponderating evidence for its charges to be

upheld is (a) the facts, time-frames and level of seriousness of the five occurrences in issue to establish "domestic violence;" (b) what the appointing authority defines as "domestic violence;" and (c) whether the questions as posed by Dr. Kelly during the post-offer interview could be understood by any reasonable sheriff's officer applicant to demand disclosure of these occurrences as "domestic violence," within the meaning of the FNDA (Exhibit J-3).

The proofs presented:

On the facts of this record, the appointing authority has not shown that appellant could not reasonably maintain that, during the first post-offer interview, he lacked understanding that he had committed "domestic violence," as charged in the FNDA, on five occasions. Further, the appointing authority has not proven that appellant intentionally withheld information of such incidents from Dr. Kelly at that time. Without that intention proved, there can be no finding of untruthfulness. It is fatal to the charge that neither Dr. Kelly nor the appointing authority has precisely defined the FNDA's concept of "domestic violence." This term is the crucial element underlying appellant's termination. Further, it cannot be discerned from this record whether the incidents of "domestic violence" confessed by appellant during the instant hearing were of a nature reasonably expected to compel disclosure to Dr. Kelly during the post-offer interview. It is believable that he did not think they were, as he answered the questions as posed. There are but three instances of angry contact conceded by appellant at hearing as predating the post-offer interview. None involved police intervention or worse, which is what appellant presumed was intended when discussing domestic violence.

More specifically, the reasons for the foregoing conclusions are, first, that "domestic violence" is the term the appointing authority employs, but it is unclear whether the term is meant to embrace: (a) any relationship argument, (b) conflict involving a police call, an arrest, or an adjudication pursuant to applicable law, or (c) some other generally understood personal clash between romantic partners. As an example, Sergeant Mason from Internal Affairs, for example, whose Internal Affairs

office conducted the appointing authority's investigation believed that appellant's restraining of A.E.'s arms to recover his keys and leave the house to avoid angry confrontation amounted to "assault." She believed it was assault as defined by unspecified statutory sections of criminal law or of the Domestic Violence Act. As such, the sergeant felt that not reporting this to Dr. Kelly was dishonest. Yet, the FNDA makes no comparable accusation. In any event, this tribunal has neither authority nor data from the record to reconcile the two, nor may this tribunal unilaterally supply the lack in either.

Second, on the present record, it is not a persuasive argument that appellant should have been alerted to his duty to disclose a stormy relationship with A.E. when faced with the "same general questions" in the first interview as were asked in the second, according to Dr. Kelly. We do not know what those general questions were. Appellant stated with credible demeanor that, whatever their content, the questions as posed then invited only cursory reply. In his recollection, they were more in the nature of "yes" or "no" options. Absent adequate rebuttal, and taking into account the record, it must be concluded that the testimony of appellant is the more believable.

Finally, Dr. Kelly testified that a psychological history questionnaire which appellant had completed in this first post-offer interview contained detailed questions. She stated that they pertained to behavior of a type which appellant freely described at length in the Fitness-For-Duty examination. This questionnaire, in her view, should have elicited admission of the five domestic events of which he later spoke. Not finding those answers led her to believe that appellant had consciously withheld the information. Yet, while the pencil-marked answer sheet to those questions was provided at hearing (Exhibit R-10), the questionnaire itself was not. As a result, neither its content nor appellant's choice of answers to its questions are known. With a serious penalty at stake, far more than mere reference to questions and answers not provided in the record of hearing is needed. Thus, the reference can be afforded scant evidentiary weight. It is the appointing authority which has the burden of persuasion, not appellant.

In contrast, for his part, appellant in his demeanor and in the persuasiveness of his testimony emerged as credible. His testimony was direct and forthright. He did not deny a turbulent relationship with A.E. What was clear to him and ultimately to this tribunal after full assessment of the proofs, is that he believed he had answered Dr. Kelly's post-offer questions to the extent she had required. He had no intention to dishonestly omit information. He viewed the five domestic occurrences in issue as part of his rocky relationship with his child's mother. Additionally, it is believable that appellant perceived questioning during the post-offer interview concerning aggression to address bar brawls and the like in the former and violence prompting police intervention in the latter.

Appellant's contention is likewise credible that the post-offer questions of Dr. Kelly did not invite the depth of response encouraged in the later Fit-For-Duty evaluation. In the latter interview, all agree, he was unfiltered and forthcoming even though his openness concerning the relationship with A.E. could well have prompted adverse employment consequences. There is nothing in this record to persuade that he would have been less honest in the first interview, which had its own element of employment risk. His testimony is at least as supported by the proofs as Dr. Kelly's. Where the evidence is in equipoise, the proofs do not preponderate. Liberty Mut. Ins. Co. v. Land, 186 N.J. 163, 169 (2006).

The Post-offer report's assessment of Integrity/Ethics:

Respondent's highlighting of Dr. Kelly's psychological screening dimension "Integrity/Ethics"⁵ affords very little evidentiary weight. Her psychological assessment of appellant's "moderate" risk of not adhering to "honesty," among other virtues listed therein, is essentially a prediction. It was not sufficient a forecast to prevent Dr. Kelly from rating him "qualified." More to the point, prediction of a risk of "moderate" psychological propensity to be dishonest cannot serve to confirm actual wrongdoing. It

⁵ (Exhibit R-1, at 2, Cluster D: Work Attitudes, Integrity/Ethics)

does not prove that appellant provided “false and misleading information.” That is the heart of the FNDA charges.

In the same vein, if reference to this predictive element of the post-offer report is meant to cast doubt on appellant’s character, it fails (Cf. N.J.R.E. 404(b) and (c)). There is no concrete evidence in this record of dishonest disposition. The Sheriff’s Office has not proffered an official discipline record of any kind. It must be presumed therefore that appellant has not been disciplined for dishonesty in his past public employment. Further, his military record ended in honorable discharge, without qualification, after deployment to the war zone of Iraq. From an evidentiary perspective, this data counterweighs and exceeds the predictive “moderate” risk of dishonesty brought forward in the post-offer report.

The application for employment:

Finally, the appointing authority’s claim that appellant was dishonest in his application for employment will not be considered, per se. It was not part of the charges in the FNDA. As noted above, the charges in a penalty case must be strictly limited to those offenses stated. However, to the extent that appellant’s employment application answers were to be considered as further suggesting untruthful proclivities, the effort has not succeeded. Consistent with the findings and conclusions stated herein, and evaluating the employment application on its own terms (Exhibit R-4), **I FIND** further that the application contains no preponderating evidence of dishonesty. First, because no proofs offered have shown that appellant “threatened, assaulted or harassed” A.E.⁶ Secondly, because that application’s inquiry concerning domestic violence clearly refers to offenses involving formal charge or conviction, neither of which occurred.⁷

Conclusion:

⁶ Exhibit R-4, at 18, question 8.

⁷ Id., question 9

I **CONCLUDE**, therefore, that appellant was not untruthful by reason of providing false and misleading information relative to his personal history, as charged in the final notices of disciplinary action, 31-B and 31-C, both dated July 22, 2016 (Exhibits. J-2, J-3).

ORDER

I **ORDER**, therefore, that the removal of appellant be **REVERSED**, and that appellant be **REINSTATED** to his position of sheriff's officer, County of Camden.

I **ORDER** further that appellant be awarded back pay and counsel fees pursuant to N.J.A.C. 4A:2-2.10 and -2.12

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 40A:14-204.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



February 21, 2017
DATE

JOSEPH LAVERY, ALJ t/a

Date Received at Agency: 2/21/17

Date Mailed to Parties: 2/21/17

mph

LIST OF WITNESSES:

For appellant:

Luis DeLeon

For respondent:

Corinne Mason

Jennifer Kelly

LIST OF EXHIBITS:

Joint Exhibits:

- J-1 Amended Preliminary Notice of Disciplinary action (31-A), dated May 3, 2016
- J-2 Final Notice of Disciplinary Action (31-B), dated July 22, 2016
- J-3 Final Notice of Disciplinary Action (31-C), dated July 22, 2016

For appellant:

None

For respondent:

- R-1 Psychological Screening: Certification of Rating Report, by Jennifer Kelly, Ph.D., ABPP, dated November 25, 2014.

- R-2 Memo: Sergeant Corinne Mason #202 to Dr. Jennifer Kelly, dated December 23, 2015.
- R-3 (b) Letter: Jennifer Kelly, Ph.D. to Sheriff Wilson, dated January 26, 2016, accompanying (b) a Psychological Fitness-For-Duty Evaluation by Dr. Kelly dated December 29, 2015
- R-4 Application For Employment, Camden County Sheriff's Office, dated October 2, 2014; vouchers and affidavit and certification applicant, 10-2-2014
- R-5 Internal Affairs Policy and Procedures, revised July 2014

- R-6 Office of the Sheriff Manual of Rules and Regulations, January 1, 2011
- R-7 Curriculum Vitae, Jennifer Kelly, Ph.D., ABPP
- R-8 Post-Offer Psychological Evaluation Disclosure and Informed Consent Statement, dated 11-25-2014
- R-9 Authorization To Use and Disclose Protected Health Information, dated 11-25-2014, Luis DeLeon
- R-10 Psychological History Questionnaire, Luis DeLeon November 25, 2014
- R-11 Psychological Fitness-For-Duty Evaluation: Employee Disclosure and Informed Consent Statement, Luis DeLeon, dated December 29, 2015
- R-12 Authorization To Use and Disclose Protected Health Information, dated 12-29-2015, Luis DeLeon