



STATE OF NEW JERSEY

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

In the Matter of J.L.C.,
Police Officer (S9999U), Jersey City

CSC Docket No. 2018-2858

Medical Review Panel Appeal

ISSUED: October 28, 2019 (BS)

J.L.C., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by the Jersey City Police Department and its request to remove his name from the eligible list for Police Officer (S9999U), Jersey City on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on January 9, 2019, which rendered its report and recommendation on January 14, 2019. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as having a difficult time answering straightforward questions. Dr. Gallegos noted that the appellant failed to disclose on his biographical summary that he had received four written warnings for lateness in connection with his employment while indicating zero times to this particular question. Again he responded “zero” in response to a question about having been charged with or convicted of a crime when, in fact, he had noted an arrest at age 23 elsewhere on the form. The appellant had received counseling for stress management, had been treated for “sex addiction” previously, and had also struggled with suicidal ideation while in high school. Dr. Gallegos concluded that the appellant “evidenced significant problems including poor dutifulness, poor integrity, impulse dyscontrol, and emotional dysregulation,” and difficulties controlling sexual cravings. Dr.

Gallegos found that the appellant was not psychologically suitable for employment as a Police Officer.

Dr. Chester Sigafos (evaluator on behalf of the appellant) carried out a psychological evaluation and did not report any mental status exam findings. Dr. Sigafos took a detailed social history, relationship history, and occupational history. Dr. Sigafos noted the appellant's write-ups for lateness in his current employment, juvenile arrest for fighting with his brother, and unpaid tickets due to documents with the wrong name. Another incident involved the Division of Youth and Family Services and involved an allegation that he was going to hurt his children which the appellant reported was investigated and later dismissed. Regarding his mental health history, the appellant informed Dr. Sigafos that he had recently been diagnosed with Attention Deficit Hyperactivity Disorder, was treated with a stimulant medication (Vyvanse), and that he had been undergoing psychotherapy to help him cope with stressful situations. The appellant informed Dr. Sigafos that he did have suicidal thoughts while in school but had no plans, and no longer has such thoughts today. Positive historical information cited by Dr. Sigafos included perseverance in education and training programs, a lack of substance abuse issues, consistent vocational history, meeting support obligations for his child, and being forthcoming about his response to stressful situations at work and voluntarily seeking out help in coping. As a result, Dr. Sigafos concluded that the appellant was psychologically suited for the subject position.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The negative recommendation found support in the findings of problems with dutifulness, integrity, impulse control, and emotional dysregulation as evidenced in a history of depression, difficulty controlling sexual cravings, the interview presentation, and discrepancies in information. The Panel was concerned with the appellant's responses to questions related to sexual activity, not implying that he engaged in these activities without consent but rather in the vague and potentially problematic way in which he responded to the questions. The Panel was further concerned with the appellant's history of suicidal ideation and his not being entirely forthcoming in response to questions regarding it. The Panel found that the appellant's history, psychological evaluations, and his presentation before the Panel, when viewed in light of the Job Specification for Police Officer, indicate that this candidate is not psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that all of the issues alluded to by the Panel occurred years ago and the Panel's interpretation was "distorted." The appellant contends that the Panel has identified no basis for concluding that the appellant's answers during the interview somehow reflect psychological

unsuitability for the position. In support of his appeal, the appellant submits a letter from Dr. Sigafos in rebuttal to the Panel's report and recommendation. The appellant argues that since "there has been no showing of psychological unsuitability," the appellant should be restored to the eligible roster.

CONCLUSION

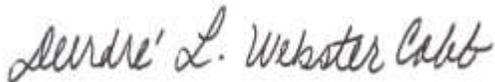
The Civil Service Commission has reviewed the report and recommendation of the Medical Review Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in 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. In the instant matter, the Commission finds the exceptions presented by the appointing authority not to be persuasive. In this regard, the Commission notes that its Panel of qualified and licensed Psychologists and Psychiatrist have reviewed all of the raw test data, reports and opinions of Drs. Gallegos and Sigafos, in addition to having the opportunity to question the appellant, before rendering its own expert opinion in this matter. The Commission defers to and agrees with the expert opinion of its Panel. Therefore, having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that J.L.C. 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 23RD DAY OF OCTOBER, 2019



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