



## CONCLUSION

The appellant has not presented a persuasive argument for a retest. Each Center Supervisor makes notes of non-routine occurrences in the testing center. In this case, the Center Supervisor notes indicate that the appellant stated that he “paused to rub his eye.” All candidates are provided with a Medical Clearance Form which signed by their physician and presented on the day of the physical examination in order to be admitted for testing. This form indicated that the physician certified that the appellant could safely perform the physical performance test without injury. The Disclaimer of Liability on the bottom of this form, which candidates were required to sign, indicated that, “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 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.*” (Emphasis added) If a candidate is ill on the day of the examination it is his or her obligation to inform the test administration personnel, and request a make-up examination. Instead, the appellant presented the Medical Clearance Form, and did not state that he had a condition preventing him from taking the PPT, nor did he provide medical documentation regarding an illness or condition that would have prevented his participation in the PPT on that date. The appellant did not follow the make-up procedure or provide notice to the appointing authority that he was not interested at this time, but elected to take the examination and submitted a medical clearance form. Afterwards, he was dissatisfied with the examination results. The appellant started the darkened maze crawl with medical clearance, and there are no provisions in the rules which allow for retaking an examination. Under these circumstances a retest is not warranted.

A thorough review of the record indicates that the determination of the Division of Test Development and Analytics was proper and consistent with Civil Service Commission regulations, and that the appellant has not met his burden of proof in this matter.

## 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 ON  
THE 23rd DAY OF OCTOBER, 2019



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