



STATE OF NEW JERSEY

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

In the Matter of N.S., Police Officer
(S9999U), City of Newark

CSC Docket No. 2018-3434

Medical Examiners Panel Appeal

ISSUED: APRIL 22, 2019 (DASV)

N.S. appeals the request by the City of Newark to remove his name from the Police Officer (S9999U) eligible list for medical unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Examiners Panel (Panel) on January 30, 2019, which rendered a report and recommendation on February 4, 2019. The appellant was not present at the meeting, and France Casseus, Assistant Corporation Counsel, and Dr. Robert Mustillo were present on behalf of the appointing authority. No exceptions were filed by the parties.

N.J.A.C. 4A:4-6.5 provides for the Civil Service Commission (Commission) to utilize the expertise of the Panel to make a report and recommendation on medical disqualification issues. The Panel is composed of medical professionals, all of whom are faculty and practitioners of Rutgers New Jersey Medical School.

As set forth in the report, the Panel’s Chairman, Lawrence D. Budnick, MD, Professor of Medicine, Director of Occupational Medicine Service, Rutgers New Jersey Medical School, indicated that the appellant had an “unprovoked seizure” in 2015. The seizure was described as a “generalized tonic clonic seizure with postictal confusion.” The tests upon hospital discharge were found to be normal. The appellant’s pre-appointment medical evaluation occurred in June 2017, which found the appellant not medically fit for appointment due to the history of the seizure. Dr. Budnick noted that the City of Newark Police Department utilizes the American College of Occupational and Environmental Medicine’s Guidance for the Medical

Evaluation of Law Enforcement Officers, which indicates that a candidate should be seizure-free for five years prior to being considered for appointment.

Based on the evaluation of submitted medical information, the Panel found, with a reasonable degree of medical certainty, that when the City of Newark evaluated the appellant, he had a significant neurological disease. The Panel further indicated that this impairment or functional limitation could cause a direct threat to the appellant or others should the appellant serve as a Police Officer. Therefore, the Panel recommended that the appellant be considered not physically capable of undergoing training and performing the essential functions of a Police Officer.

CONCLUSION

Having considered the record and the Panel's report and recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's report and recommendation that the appellant is not medically fit to perform effectively the duties of a Police Officer. The Panel set forth its findings based on the evaluation of submitted information, which included the pre-appointment medical examination results, as well as the medical documentation submitted by the appellant. As set forth in the job specification, a Police Officer, during an assigned tour of duty, on foot, or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, and to apprehend law-breakers, and does related work as required. It has been found that the appellant's medical condition impairs the training for and performance of such duties. Therefore, the record demonstrates that the appellant is not medically fit for a position as a Police Officer. Accordingly, his appeal is denied.

ORDER

The Commission finds that the appointing authority has met its burden of proof that N.S. is not medically fit to perform effectively the duties of the title 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 17TH DAY OF APRIL, 2019



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