



**STATE OF NEW JERSEY**

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of T.T., Fire Fighter  
(M1873W), Teaneck

CSC Docket No. 2023-2197

Medical Review Panel Appeal

**ISSUED:** January 17, 2024 (BS)

T.T. appeals his rejection as a Fire Fighter candidate by Teaneck and its request to remove his name from the eligible list for Fire Fighter (M1873W), Teaneck, 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 August 18, 2023, which rendered a Report and Recommendation dated August 21, 2023. Exceptions and a reply were filed by the appellant, and exceptions to the Panel’s Report and Recommendation and cross exceptions to the appellant’s exceptions were filed on behalf of the appointing authority.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant’s “integrity, conscientiousness, attention to safety, impulsivity, emotional regulation, and judgment.” In that regard, Dr. Han Zhang Liang, the appointing authority’s evaluator, conducted a psychological examination and found that, in two prior psychological evaluations, the appellant failed to report that he had been forced to resign from a position with the Hackensack Housing Authority in lieu of termination for various violations, including sleeping on duty, bringing in and hiding a pillow and blanket at his security job site, and a uniform violation. The appellant’s supervisor at this job, a former Police Captain, stated that he would not recommend that any agency hire the appellant and opined that the appellant “could not be trusted.”

Moreover, Dr. Liang noted that in previous psychological evaluations, it appeared that the appellant had “sanitized” derogatory elements of his record, which raised serious concerns as to his integrity. A different law enforcement officer, who supervised the appellant while he was serving as an auxiliary Teaneck Police Officer, also gave the appellant a poor recommendation, characterized him as a “loose cannon,” and as someone who wanted to conduct motor vehicle stops even though he was not authorized to do so. Dr. Liang noted that, when questioned on this, the appellant denied the allegations but, again, his self-reporting raised concerns as to the appellant’s integrity.<sup>1</sup> Dr. Liang also noted other markers regarding the appellant’s integrity, including a juvenile arrest for shoplifting, high school suspensions for fighting, and being in possession of stolen property. In addition, the appellant had eight motor vehicle accidents on his record, including four in which he filed legal claims. This raised concerns of impulsivity and attention to safety. Of further concern to Dr. Liang was the appellant’s diagnosis of ADHD and the fact that he had been medicated for this condition over several years. Psychological test data supported Dr. Liang’s opinions and he concluded the appellant failed to demonstrate a level of integrity, credibility, attention to safety, and overall prudent judgment to meet the demands required of a full-time Fire Fighter. Dr. Liang failed to recommend the appellant for the subject position.

The Panel’s report also set forth the findings of the appellant’s evaluator, Dr. Karin Gepp, who conducted a psychological evaluation and noted that the appellant began working for the Hackensack Housing Authority in 2020, subsequent to when the two prior Institute for Forensic Psychology (IFP) evaluations (2019) were completed, contradicting Dr. Liang’s findings that the appellant had failed to disclose his resignation on the two prior psychological evaluations. Further, regarding the appellant’s motor vehicle record, which Dr. Liang indicated included eight motor vehicle accidents between 2014 and 2018, Dr. Gepp stated that the appellant was doing a great amount of driving for his job at the time, which Dr. Gepp opined increased his risk of being involved in accidents. The appellant reported that he had not been involved in any accidents after 2018.

With regard to the appellant’s defensive responses to previous testing, which Dr. Liang stated weakened the validity of the results, the appellant felt that he was getting “a raw deal from life.” Dr. Gepp opined that this could be related to the current appeal process and, similarly, render the appellant sensitive to criticism which, in turn, could affect his ability to accept negative criticism. Moreover, Dr. Gepp noted that her test data indicated that the appellant’s response pattern was consistent with someone who was “generally concerned with other people,” trusting, helpful, and had strong sympathy with and ability to cooperate with others, someone who strives for high achievement, and is neat, punctual, well-organized, and reliable.

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<sup>1</sup> According to additional background information, the appellant worked at the Englewood Municipal Court and the Oakland Municipal Court. The background investigator indicated that both of the appellant’s supervisors were satisfied with his performance while employed at each.

The test data was indicative of an individual with good emotional adjustment, high self-esteem, sensitivity to his own and the feelings of others, and high extraversion. Therefore, Dr. Gepp opined that the appellant was a calm man who could control his impulses and manage stress well, is rational, thoughtful, and resourceful, and had high ethics, aspirations, and a desire for excellence. Additionally, testing revealed that the appellant copes with stressors in an adaptive and flexible way, using humor and positive thinking, which also aides him in his interpersonal life. On the reverse side, Dr. Gepp indicated that the appellant might be taken advantage of easily and might feel overwhelmed in the face of others' suffering, be too open regarding his insecurities and vulnerabilities, display excessive self-sacrifice, take on too much of other peoples' responsibilities, and adhere rigidly to rules and standards. Although several medical areas were "deferred," Dr. Gepp did not have any "cognitive or medical concerns" regarding the appellant's suitability. Accordingly, Dr. Gepp concluded that, based on the appellant's self-reported history, assessment results, and clinical judgment, the appellant was psychologically suitable for employment as a Fire Fighter.

Upon its review, the Panel found that the appellant's behavior before the Panel unremarkable in that he showed no overt signs of psychopathology and he responded to questions cooperatively. Additionally, the Panel noted that the appointing authority was aware of the negative recommendations in the appellant's background investigation yet continued to view the appellant as a viable candidate for the position, extending the conditional offer of employment. Thus, the question before the evaluators and the Panel was whether or not there were psychological factors in the appellant's presentation, history, or testing that indicated that the appellant "cannot be trusted" or that he is "a loose cannon." The Panel opined that there may be other psychological factors present which could preclude the appellant from being a suitable candidate for Fire Fighter. The Panel found that the two negative interactions with law enforcement involved theft, occurred around 2012, and that the appellant has not had any legal problems since. There is no indication of a pattern of antisocial behavior extending into adulthood. The Panel further noted that, although the appellant was allowed to resign from his security job for sleeping on duty and having a pillow and blanket, there was no indication of employment-related difficulties since September 2019.<sup>2</sup> Additionally, the appellant had a history of eight motor vehicle accidents, two of which he was found to be at fault, including the most recent one in 2018. The appellant did not report any motor vehicle incidents since then, with the exception of being pulled over last year at a DUI checkpoint. It was not clear to the Panel as to why the appellant was pulled over.

Moreover, the Panel's review of the related documents indicated that the appellant wrote on his biographical summary that he had been employed by the

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<sup>2</sup> Agency records indicate that the Fire Fighter (M1873W), Teaneck, examination was announced with a closing date of August 31, 2018, the examination was administered on November 17, 2018, and the eligible list promulgated on March 29, 2019. The appellant's name was certified on July 18, 2022.

Hackensack Housing Authority from 2018 to January 2019, which was before the IFP evaluations were performed. However, the appellant later reported that he did not work for the Hackensack until after the 2019 IFP evaluations, rendering it impossible for him to have reported this to IFP during those evaluations. The background investigation also supported the appellant's claims that he had worked for the Hackensack Housing Authority subsequent to the 2019 IFP evaluations. This error, if it was an error, appeared to have a substantial impact on Dr. Liang's opinion that the appellant lacked integrity. The written material provided by the appellant led Dr. Liang to arrive at his conclusion that the appellant failed to disclose information regarding his resignation in lieu of termination. The Panel opined that this could be reflective of ongoing carelessness by the appellant, which could be reflective of attentional problems. The Panel noted that the appellant has a history of ADHD.

However, the Panel did not see any current evidence that the appellant was a "loose cannon." Nonetheless, it analyzed that, if the appellant actually worked for the Hackensack Housing Authority prior to the 2019 IFP evaluations and had now taken the position that the resignation in lieu of termination occurred after the 2019 evaluations,<sup>3</sup> that would be consistent with a person having a problem with personal integrity. On the other hand, the Panel reiterated that if the appellant made an error on his biographical summary, that could be evidence of a lack of attention to detail, consistent with an ongoing attentional problem that could impair his functioning as a Fire Fighter. The Panel was not able to make this determination with the information available. The Panel indicated that a review of the appellant's driver's abstract could be helpful in determining the appellant's suitability, as well as the nature of last year's traffic stop, as it was not clear to the Panel. There could be instances of moving violations or warnings, as well as the circumstances regarding the motor vehicle accidents, which could be reflective of ongoing evidence of poor decision-making abilities. Thus, taking into consideration the reports of Drs. Liang and Gepp, the psychological test results, and the behavioral record when viewed in consideration of the job specification for Fire Fighter, the Panel recommended that the appellant undergo an independent evaluation which would explore the issues noted by the Panel.

In his exceptions, the appellant requests that the Panel's recommendation not be considered as it will "prolong" the process and "impose a significant financial burden on both parties involved." He highlights his positions in the "Judicial system" as a Violations Clerk, Deputy Court Administrator, and currently, as a "Court Officer,"<sup>4</sup> where it encompasses "tasks that require exceptional attention to detail, unwavering integrity, conscientiousness, a keen focus on safety, emotional regulation, and sound judgment." He notes that through his tenure, he has received

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<sup>3</sup> The Panel noted that this was consistent with what the appellant told Dr. Gepp and what is in the background investigation.

<sup>4</sup> Agency records indicate that the appellant was appointed as a Court Services Officer Trainee effective May 8, 2023.

commendable recommendations from his employers. The appellant acknowledges that he has “faced challenges in the past,” but he has “diligently transformed these negative experiences into valuable life lessons.” He notes that he is married and has children.

The appointing authority also filed exceptions to the Panel’s Report and Recommendation and cross exceptions to the appellant’s exceptions. In its exceptions, the appointing authority, represented by Mark A. Tabakin, Esq., argues that the Panel “strayed” outside of its “legislative mandate” as its review is limited to considering the competing psychological evaluations and not act as a fact finder. The appointing authority contends that, rather than simply reviewing the concerns raised by Drs. Liang and Gepp, the Panel chose to seek additional information outside of the bounds of the record rather than just the facts contained in the record. Additionally, it maintains that the Panel failed to consider the two previous evaluations conducted by IFP which found that the appellant lacked attention to safety and judgment which rendered him to be psychologically unsuitable for a Special Law Enforcement Officer position. The appointing authority found it “incongruent” that, after being found psychologically unfit in three previous IFP examinations, the possibility now exists that the appellant could somehow be found to be psychologically suitable. The appointing authority argues that a fourth<sup>5</sup> psychological evaluation would not reveal any additional facts or circumstances which would alter the findings of the previous reports.

With regard to the appellant’s previous position as a Security Officer with the Hackensack Housing Authority, the appointing authority contends that instead of focusing on his tenure serving in that capacity, the Panel chose to “divine Dr. Liang’s state of mind when he authored his report.” The Panel missed the mark and side-stepped any explanation of the facts and circumstances surrounding the appellant’s resignation in lieu of termination. The appointing authority acknowledges the Panel’s statement that had the appellant intentionally rather than mistakenly misrepresented his dates of employment, “that would be consistent with someone having a problem with personal integrity.” The appointing authority also argues that the appellant’s history of eight motor vehicle accidents and his two 2012 adverse interactions with law enforcement were not in dispute, but the Panel sought to seek additional information regarding the appellant’s most recent traffic stop and “other instances of moving violations and warnings that could be reflective of ongoing evidence of poor decision making.” The appointing authority contends that additional information will not and cannot change the conclusion that the appellant is psychologically unsuitable. Finally, the appointing authority submits that the Panel “erroneously” relied on its conditional offer of employment to the appellant and that the use of psychological tests should predict and evaluate actual job performance. *See In the Matter of Anastasia Vey*, 124 *N.J.* 534 (1991) and 135 *N.J.* 396 (1994). It

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<sup>5</sup> The appointing authority fails to acknowledge the evaluation of Dr. Gepp, the appellant’s own evaluator, which found that the appellant was psychologically suitable to serve as a Fire Fighter.

maintains that there is “sufficient credible evidence in the record” to sustain a finding that the appellant is psychologically unsuitable for a position as a Fire Fighter.

In reply, the appellant asserts that he is “overqualified” given his “extensive experience in public safety,” having worked as an Emergency Medical Technician since 2016 which, in addition to his practical experience, included numerous “essential courses and certifications” such as Hazardous Material Awareness, National Incident Management, and FEMA courses. The appellant claims that his experience as a Special Law Enforcement Officer with the Hackensack Police Department from 2019 to 2021, including his involvement in saving a life,<sup>6</sup> demonstrates his suitability for a career in public safety. The appellant denies that he “mistakenly or intentionally misreported” his employment dates. With regard to his motor vehicle accidents, the appellant asserts that he has taken “proactive steps” to improve his driving skills by “participating in driver training and completing online driving courses.”<sup>7</sup> The appellant further denies that he was a “loose cannon” and states that he maintained a “personal friendship” with the officer who reported this to background investigators. However, he argues that this officer’s claims lacked “credibility and merit further scrutiny.” In conclusion, the appellant indicates that he has already submitted an independent psychological evaluation that demonstrated his psychological suitability to serve as a Fire Fighter and requests that he be appointed.

## CONCLUSION

The Civil Service Commission (Commission) has reviewed the Panel’s Report and Recommendation and the exceptions, cross exceptions, and reply filed by the parties and finds them to be unpersuasive. In that regard, contrary to the appellant’s assertion that he already submitted an “independent” psychological evaluation and, therefore, should not have to submit to yet another, the psychological evaluation to which he is referring is his own psychological evaluation conducted by an evaluator of his choice. *N.J.A.C. 4A:4-6.5(g)4* allows that, in appropriate cases, the Commission may refer an appellant for an independent professional evaluation conducted by an evaluator of its choice.

With regard to the appointing authority’s objection to the Panel’s “over reliance” on a conditional offer of appointment being made, the Commission finds that the incidents the appointing authority now finds to be disqualifying were readily available to the appointing authority in its background investigator’s report and

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<sup>6</sup> In support of this, the appellant submits a copy of a Resolution, Garfield Board of Education Meeting, dated May 21, 2021, commending “three good Samaritans,” including the appellant, for responding to assist a victim who was trapped in a wrecked automobile as well as a Proclamation from Hackensack’s Mayor’s office issued on June 1, 2021.

<sup>7</sup> The appellant presents no evidence of participation in driver training or completion of online driving courses to support this assertion in his exceptions.

could have been presented as cause for the appellant's removal from the subject eligible list. See *N.J.A.C. 4A:4-4.7* (Removal of names) and *N.J.A.C. 4A:4-6.1* (Examination and selection Disqualification). The Commission notes that the resignation in lieu of termination in 2021 and the 2018 at fault automobile accident were not remote in time. The appellant's name was certified from the subject eligible list on July 18, 2022. Nonetheless, the appointing authority extended a conditional offer of employment to the appellant, resulting in this psychological disqualification appeal.

Further, in support of its position, the appointing authority relies on two previous evaluations conducted by IFP in which the appellant was found psychologically unsuitable for other positions in law enforcement. First, the Commission emphasizes that, based on longstanding administrative practice, a psychological evaluation is only considered to be valid for one year subsequent to its administration. See *In the Matter of Aleisha Cruz* (MSB, decided December 19, 2007), *aff'd on reconsideration* (MSB, decided April 9, 2008). Second, the Commission finds that the previous psychological evaluations of the appellant conducted by IFP, and referenced by the appointing authority, have no bearing on the current evaluation because traits need to be evaluated as they relate specifically to the traits identified in the job specification for the title under consideration. Therefore, the appellant's previous psychological evaluations for titles other than Fire Fighter cannot be considered in this case.

With respect to the appointing authority's statement on the Panel's authority, 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, the appellant's behavioral record, employment history, and responses to the various assessment tools prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. Further, as noted above, *N.J.A.C. 4A:4-6.5(g)*<sup>4</sup> allows the Commission to refer an appellant for an independent professional evaluation. As such, the Panel's authority for its recommendation in that regard is derivative of the Commission's undisputed regulatory authority and may necessitate a need for additional information and/or clarification to the existing record. Moreover, regarding the appointing authority's reliance on *Vey, supra*, which requires administrative agencies to articulate the standards and principles that govern discretionary decisions in as much detail as possible, the Commission finds that argument to be premature as the Panel's Report and Recommendation to the Commission is preliminary and not the final agency administrative determination in this matter. The record in this matter is not yet deemed to be fully developed. In other words, an independent evaluation of the appellant is necessary to shed light as to whether the issues raised by the Panel demonstrate underlying issues that render the appellant psychologically unsuited for

a Fire Fighter position. The Commission relies on the expertise of the Panel and is persuaded that a more in-depth psychological evaluation of this appellant is necessary.

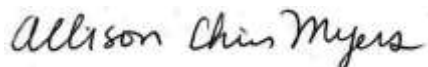
Therefore, the Commission agrees with the Panel's recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist which shall include a review of the appellant's attention to detail (in view of his previous diagnosis of ADHD), and his decision-making abilities, judgment, and integrity as part of an in-depth assessment of the appellant's psychological suitability for a Fire Fighter position.

### **ORDER**

The Commission therefore orders that T.T. 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.T. 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. If T.T. 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 17<sup>TH</sup> DAY OF JANUARY, 2024



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Chairperson  
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