

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF THE APPEAL BY** )  
**[NAME REDACTED],** ) **No. 24 AA 50**  
**APPLICANT FOR THE POSITION OF** )  
**PROBATIONARY POLICE OFFICER,** ) **(Applicant No. [redacted])**  
**CITY OF CHICAGO.** )

**FINDINGS AND DECISION**

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated June 4, 2024, the Office of Public Safety Administration gave Applicant written notice of its decision to remove Applicant from the list of eligible applicants for this position (“Eligibility List”) due to the results of a background investigation, along with the reason(s) for the disqualification decision and the process for appeal. In support of its decision, Department attached the Candidate Background Investigation Summary (“Background Investigation Report”) in which Department cited conduct it alleged formed the bases of Disqualifications Based on Prior Employment, Military History and Indebtedness under its Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer (“Disqualification Standards”) (Collectively, “Notice”).

In an email dated August 3, 2024, Applicant appealed the disqualification decision to the Police Board by filing a written request seeking to 1) specify why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) bring to the Human Resources Board’s (“Board”) attention additional facts directly related to the reason(s) for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). Department filed a Response September 16, 2024.

Police Board Appeals Officer Laura Parry reviewed the Notice, Appeal and Response.

### **APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

Appeals Officer Laura Parry, as a result of a review of the above material, submits the following findings of fact, conclusions of law, and recommendation to the Police Board.

### **FILINGS BY PARTIES**

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reason(s):

#### **Basis #1**

IV-D. Disqualification Based on Prior Employment History, as cited by Department:

“[1.] ... A steady employment history is an indication that, among other things, an applicant has the ability to work well with others; follow workplace rules; perform his or her work to acceptable standards; and come to work on time and on a regular basis.

[2.] A poor employment history will result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment.

[3.] Further, an applicant who, during previous employment, has engaged in any conduct that would have violated the Chicago Police Department's Rules and Regulations had the applicant been a Chicago Police Department employee, may be found unsuitable for employment. In addition, an applicant with a history or sporadic employment, evidenced by frequent changes in employment of short duration, may be found unsuitable for employment.”

(Background Investigation Report, p. 1)

Department cited the following conduct, in summary:

#### **Resigned in Lieu of Termination as a Security Guard for an Unarmed Security Services**

**Company – April 2019-January 2022.** On his Personal History Questionnaire (“PHQ”)

Applicant indicated he resigned in lieu of termination because of an incident in which he stated he had approved scheduled time off for New Year’s Eve, but when a temporary manager took over

and Applicant informed the temporary manager that Applicant had received approval for time off on New Year's Eve for family reasons, the new manager told Applicant that he was to work New Year's Eve. Applicant did not work New Year's Eve and when Applicant returned for his next scheduled work shift, he was summoned into the office by the new manager and was terminated. Applicant said that he was offered another position in a different division but declined the offer. Investigator reported the company uses a third party to verify employment, and no supervisor was available for interview. (Background Investigation Report, p. 2).

**Terminated as a Merchandiser for a Large Global Beverage Company – August 2015-August 2016.** Investigator reported Applicant said he was terminated for absenteeism and tardiness in addition to missing work for three days when he took what he was told were vacation days to travel, but while on that trip his supervisor told him there was a mistake and that Applicant was entitled to sick days, not vacation days. Applicant continued on the vacation, using sick days. Later that year he became ill but did not have any sick days to take, so he missed three days with unexcused absences. Applicant's supervisor verified Applicant's employment and opined that Applicant "was a high character young man," showed up on time and did a good job, getting along well with others, but could have worked a little faster. (Background Investigation Report, p. 2-3).

**Discharged with Other Than Honorable Conditions from United States Navy – April 2013-July 2025.** Applicant reported he was disciplined because he signed off on maintenance that was not properly done and which ultimately resulted in his discharge. Applicant reported that as a boatswain mate seaman, he was only to check the hazmat locker containing flammable material if the maintenance crew was not operating. He explained that he signed off on the maintenance inspection but that it was done in error because the helicopter maintenance crew was in operation at the time. A navigational officer discovered the error and issued Applicant a written reprimand.

Applicant was ordered to meet with the commander who demoted Applicant and began discharge procedures. Applicant said he was discharged under honorable conditions, and that it was common for the most severe penalty to be imposed on a first-time infraction because it set an example for the entire deployment. Investigator noted Applicant was discharged “Under Other Than Honorable Conditions, Misconduct Serious Offense.” (Background Investigation Report, p. 3-4).

**Basis #2**

IV-E. Disqualification Based on Military History, as cited by Department:

“... An applicant who has received a Dishonorable Discharge or Bad Conduct Discharge from the United States Armed Forces or the National Guard or State Militia [] will be found unsuitable for employment. An applicant who has received a discharge with other characterizations may be found unsuitable for employment based on the nature of the underlying offense.”

(Background Investigation Report, p. 4)

Department cited the following conduct, in summary:

The conduct described in Basis #1 above as it relates to Applicant’s service in the US Navy.

(Background Investigation Report, p. 4)

**Basis #3**

IV-G. Disqualification Based on Indebtedness, as cited by Department:

“... [A]ny applicant who has current personal debts not related to a business, mortgage loans, student loans or auto loans,<sup>1</sup> the total of which is in excess of fifty percent (50%) of the annual starting salary of a Chicago Police Officer at the time of application, or at any point during the hiring process, will be found unsuitable for employment. Regardless of the source of debt, an applicant who has defaulted on any loan or has an inconsistent payment pattern may be found unsuitable for employment.

[2.] Any applicant who owes a debt to the City of Chicago at any time during processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment.”

(Background Investigation Report, p. 4)

Department cited the following conduct, in summary:

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<sup>1</sup> The Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer, OPSCA Special Order No. 21-01, eff. 08/01/2021 (“Disqualification Standards”) reads, “... student or auto loans, or medical bills...” which means medical bills are NOT to be considered.

Department described six (6) “negative credit entr[ies]” on Applicant’s credit report and six (6) unpaid debts owed the City. Three (3) “in collection” entries Applicant attributed to medical bills (\$195, \$269, and \$2,374.00 respectively). Applicant attributed the one (1) >120 days late debt to an auto loan (\$2,586). Applicant did not know what one (1) \$468 debt “in collection” was. One (1) debt was “charged off” for a joint account Applicant had with his ex-wife. Finally, the six (6) unpaid debts owed the City were municipal citations for traffic, parking, red light or automated speed enforcement. (Background Investigation Report, p. 4-6)

PHQ was submitted January 2023. Applicant was born December 1993. (Background Investigation Report, p. 1)

**Appeal and Response**

The following is a summary.

**Appeal.** Applicant asserted that as to his prior employment history, he has maintained employment, been progressively paid more in each position and has been in search of a career. Applicant admitted that he was discharged for misconduct but received a General (Under Honorable Conditions) discharge, and it was the only time he received any discipline. As to indebtedness, Applicant wrote that at the time of the credit check he was going through a divorce, and that once the divorce was finalized, the debts were removed. Applicant also wrote that the Background Investigator did not report that two current police officers (one from Boston who served in the Navy with Applicant and one from Chicago who has known Applicant since childhood) gave positive feedback of Applicant and his character. Applicant attached his US Navy Discharge paperwork that showed in Box#23 “DISCHARGED” and Box#24 “UNDER HONORABLE CONDITIONS (GENERAL).” Boxes#25, #26, and #27 were blacked out or redacted without explanation. Box#28 reads “MISCONDUCT (SERIOUS OFFENSE).”

Applicant supplied a credit score as of August 2024 indicating scores of 738 and 709, one of which notes under “Score Factors” that Applicant has “too many delinquent or derogatory accounts.” The credit report showed balances on six accounts for less than a total of about \$7,000, that three are/were in dispute and one for approximately \$6,000 was over 150 days past due. No information was given as to the resolution of debts owed to the City.

(Appeal and attachments)

**Response.** In summary, Department iterated it stands on the reasons and bases set forth in the disqualification letter, and cited caselaw supporting its rights to disqualify. It also considered Applicant’s work history to show a “concerning pattern of inattention to his work duties,” and noting his “lack of care in his military duties could have caused serious injury or fatalities.” Department emphasized Applicant was demoted and discharged as a result of misconduct and that Applicant did not address his indebtedness.

(Response)

### **FINDINGS OF FACT**

All filings were timely.

Department provided its factual basis for the decision to disqualify Applicant and remove Applicant's name from the eligibility list for which Applicant was given the opportunity to file a written appeal specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

Applicant was terminated or resigned in lieu of termination from employment at two private businesses for absenteeism and tardiness. Additionally, Applicant was discharged from military service for failure to follow procedures. Under the Disqualification Standards, an applicant who

has been discharged or disciplined for offenses which include absenteeism, tardiness or failure to follow regulations **will be found unsuitable** for employment. Applicant **DID NOT** provide sufficient additional facts and/or did not adequately specify why Department erred in its determinations as to **Disqualification Based on Prior Employment History**.

Applicant was discharged from military service for misconduct but disputed that it was for conditions other than Under Honorable Conditions. The Appeals Officer notes that there were redactions or blacked out portions of the discharge paperwork under the conditions of separation, specifically Boxes#25-27, without explanation. However, without the ability to assess the underlying paperwork the Investigator relied upon when reporting the discharge was Under Other Than Honorable Conditions, Applicant has provided sufficient additional facts and/or did adequately specify why Department erred in its assessment that he was discharged other than as what is written in Box#24 (i.e., "UNDER HONORABLE CONDITIONS (GENERAL)"). Therefore, the discharge is not considered a mandatory finding of unsuitability for employment under Disqualification Based on Military History. However, according to the Disqualification Standards, an applicant who has received a discharge with other characterizations (other than Dishonorable Discharge or Bad Conduct Discharge) **may be found unsuitable** for employment based on the nature of the underlying offense. In this case, Department indicated it considered the underlying circumstances that led to the discharge and as noted in its response it determined the underlying offense that led to Applicant's demotion and discharge demonstrated a lack of care in his military duties and could have caused serious injury or fatalities. Applicant **DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why Department erred in its factual determinations as to **Disqualification Based on Military History**.

As to indebtedness, Applicant did not provide any information that resolved the debt due and

owing the City. Under the Disqualification Standards an applicant who has outstanding debts owed to the City after having been given a reasonable time to settle those debts **will be found unsuitable** for employment. Applicant had an account that was “charged off” by a creditor, which means he defaulted on a debt. As of August, there was another \$6,000+ debt that was over 150 days late. Debts due to medical bills or auto loans, that are not delinquent, are not considered disqualifying. Additionally, under the Disqualification Standards an applicant who has defaulted on any loan or has an inconsistent payment pattern **may be found unsuitable** for employment. Applicant **DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why Department erred in its factual determinations as to **Disqualification Based on Indebtedness**, except as they relate to non-delinquent medical debt and auto loans.

### CONCLUSIONS OF LAW

Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)).

It is within the Department’s discretion to remove applicants from the eligibility list where applicants’ conduct is in violation of the hiring standards where the standards indicate the Department “may” disqualify, and it is a mandatory disqualification where the standards indicate conduct “will be grounds for disqualification,” “will be found unsuitable for employment,” and applicant “is not eligible for employment.”

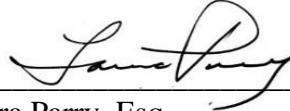
Applicant **DID NOT** show by a preponderance of the evidence that Department **erred** in its decision to the remove Applicant's name from the Eligibility List for the reasons stated herein.



**RECOMMENDATION**

Based on the findings and conclusions set forth above, it is recommended that the decision to remove Applicant from the list of eligible applicants for the position of probationary police officer be **AFFIRMED**.

Respectfully submitted,



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Laura Parry, Esq.  
Appeals Officer

Date: November 14, 2024

**POLICE BOARD DECISION**

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer’s findings, conclusions, and recommendation.

The Police Board hereby adopts the Appeals Officer’s findings, conclusions, and recommendation by a vote of 7 in favor (Kyle Cooper, Paula Wolff, Claudia Badillo, Steven Block, Mareilé Cusack, Kathryn Liss, and Justin Terry) to 0 opposed.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the decision to remove [Name redacted] from the list of eligible applicants for the position of probationary police officer is **affirmed**.

This decision and order are entered by a majority of the members of the Police Board: Kyle Cooper, Paula Wolff, Claudia Badillo, Steven Block, Mareilé Cusack, Kathryn Liss, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF NOVEMBER 2024.

Attested by:

/s/ KYLE COOPER  
President

/s/ MAX A. CAPRONI  
Executive Director