

Summary

The subject of this doctoral dissertation is the discussion on the effects of a medical statement issued by a medical board on access to public service in uniformed services. The Poles enjoying their full rights as citizens have the right to be admitted to public service on an equal footing. In order to enter uniformed forces, and therefore have access to public service, it is necessary to undergo an examination that assesses one's physical and mental fitness. This examination is conducted by medical boards. It is obvious that physically and mentally fit workforce makes it possible for uniformed services to perform their duties properly. It must, however, be considered in this context what limitations may be imposed regarding access to public service as far as health condition is concerned, and what the extent of health requirements for candidates for service may be. It is notable that the currently applicable legal regulations pose significantly higher physical and mental fitness requirements for candidates than for the officers already employed in uniformed services.

Medical boards appointed for the purpose of assessing health condition of candidates and officers of uniformed services determine the fitness for service category. The decisions of medical boards are issued in the form of medical statements. All officers and soldiers of uniformed services in Poland undergo the assessment of fitness for service, which is conducted by medical boards. In total, medical boards of all uniformed services combined issue about 100,000 statements annually.

The author presents the subject of this dissertation using the example of legal regulations related to the officers serving at the Internal Security Agency, including those regulating the process of determining fitness for service at the ISA, which differs considerably from the proceedings conducted by medical boards of other uniformed services.

The available body of scientific work treats the issue of statements prepared by medical boards regarding the admission to public service as secondary, only as an addition to the considerations concerning the recruitment procedure in admission to public service or the process of the dismissal from service. Thus, there is a need to discuss the issue in a comprehensive way, and to formulate the main thesis of the work, according to which a statement of unfitness for service, issued by a medical board, does not constitute an unjustified limitation in the admission to public service in uniformed services on condition that the requirements for candidates and officers of a given service, regarding particular positions, are the same.

The objective of this doctoral dissertation is to analyse the effects of medical statements issued by medical boards on admission to public service in uniformed services in the capacity of an officer, from the perspective of currently binding regulations, with in particular focus on admission to service in the Internal Security Agency. In particular, limitations in access to public service caused by the medical statement of unfitness for service were analysed. Another objective of this work is to recognise existing needs and to recommend directions of changes in legal regulations which currently limit access to public service in an unjustified way by differentiating between the legal standing of officers and candidates for service.

This dissertation presents a thorough analysis of applicable legal regulations and the existing body of scientific and legal work on the subject. This work is divided into four chapters.

The first chapter presents a definition of "public service" and "access to public service". It also discusses access to public service in *sensu stricto* and *sensu largo* as well as limitations in access to public service. Next, the issues of definition and the classification of formations and uniformed services are examined, with particular focus on special forces.

The second chapter describes Internal Security Agency as a civil special force. The tasks and competences of this service are discussed in detail. The second part of this chapter is devoted to the organisation of medical boards of the Internal Security Agency compared to medical boards of other uniformed services.

The third chapter focuses on the service relationship of officers of the Internal Security Agency. It shows requirements they have to meet in order to be admitted for the service at the Internal Security Agency. The process of recruitment process as well as of establishment and termination of the service relationship are discussed in detail.

The fourth chapter is dedicated to the procedure applicable for medical boards at ISA and their roles in access to service at ISA. Health requirements for candidates and officers are also presented, as well as the differences between those requirements, which depend on whether the petitioner is an officer or a candidate. *De lege ferenda* postulates complete this chapter, including the demand for uniform health requirements for candidates for service and officers.

The final part of the dissertation presents a summary and conclusions drawn from the conducted research. The conclusions support the thesis stating that when a medical board issues a statement of unfitness for service, it does not constitute an unjustified limitation in access to public service in uniformed services on condition that the requirements for

candidates and officers of a given service, regarding particular positions, are the same. At the same time, in reference to the above-mentioned thesis, the dissertation demonstrates that having different legal conditions for officers in uniformed services and candidates for the service in uniformed services, regarding the same positions, by making higher requirements for physical and mental fitness for service, does constitute an unjustified limitation in access to public service.

In consideration of the fact that the scope of this work falls within administrative law, research methods used in legal sciences were applied. The main two research methods applied in this work are the doctrinal-legal method and the theoretical-legal method. The doctrinal-legal method was used to conduct thorough analysis of currently applicable and significant, from the point of view of the subject matter, legal regulations, including the interpretation and classification of terms used in defining particular institutions described in this work. The theoretical-legal method was applied to analyse scientific studies on views and concepts regarding the presented problem, as well as on judicial decisions of administrative courts and the Constitutional Tribunal relevant for the subject of this work. Additionally, the historical-legal and the analytical methods were used, which made it possible to present the research subject looking at its evolution, which resulted in obtaining a fuller picture of the discussed topic.