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This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-1351-16T1

IN THE MATTER OF OLUWASEGUN  
OLADIPO, DEPARTMENT OF HUMAN  
SERVICES, TRENTON PSYCHIATRIC  
HOSPITAL.

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Argued January 23, 2018 – Decided April 17, 2018

Before Judges Fisher and Moynihan.

On appeal from the New Jersey Civil Service  
Commission, Docket No. 2014-806.

Lawrence E. Popp argued the cause for  
appellant Oluwasegun Oladipo (Gaylord Popp,  
LLC, attorneys; Lawrence E. Popp, on the  
brief).

Marolhin D. Mendez, Deputy Attorney General,  
argued the cause for respondent Trenton  
Psychiatric Hospital (Gurbir S. Grewal,  
Attorney General, attorney; Melissa H. Raksa,  
Assistant Attorney General, of counsel;  
Marolhin D. Mendez, on the brief).

Alan C. Stephens, Deputy Attorney General,  
attorney for respondent Civil Service  
Commission (Gurbir S. Grewal, Attorney  
General, attorney, Alan C. Stephens, on the  
statement in lieu of brief).

PER CURIAM

Oluwasegun Oladipo appeals the Civil Service Commission's final administrative action upholding the administrative law judge's initial decision removing Oladipo from his human services assistant position with the Department of Human Services. He requests that we "focus on [the ALJ's] misapplication of the evidence in the record." A careful review of the record leads us to conclude the ALJ's decision was supported by substantial credible evidence and was not arbitrary, capricious or unreasonable. Accordingly, we affirm.

The ALJ found that Oladipo, while on duty at Trenton Psychiatric Hospital, assaulted a patient by punching him in the stomach. The ALJ credited the sequestered testimony of two eyewitnesses – Oladipo's coworkers – who both testified they heard a commotion in the patient's room, and responded to see a milk carton thrown at Oladipo as he exited the room. Oladipo reentered the room; despite efforts by both coworkers to have him leave because he and the patient were yelling at each other, he refused to leave. The patient pushed Oladipo in the chest. Although both coworkers moved in and stood on either side of the patient to keep the patient and Oladipo separated, Oladipo forcefully punched the patient in the abdomen. Oladipo had to be physically removed from the room by other staff. The ALJ also watched videotaped footage

of the hallway outside the patient's room and listened to the testimony of both coworkers who, as the ALJ said, "describ[ed] their movements and those of other staff" and "correlated the contents of the tape to their testimony." She also heard medical testimony about the patient's abdominal contusion, and testimony from instructional and managerial staff that staff are never to strike a patient.

The ALJ found the two coworkers to be credible, observing they "were direct and articulate in their testimony and corroborated the other's version of events." She described their recount of the incident as "coherent, linear and believable from their testimony and in light of the other corroborating evidence in the record," including the videotape footage. She found Oladipo's testimony "not as credible" because his contentions were uncorroborated and the videotape footage was "more consistent" with the coworkers' version than his.

We recognize our

"'limited role' in the review of [Commission] decisions." In re Stallworth, 208 N.J. 182, 194 (2011) (quoting Henry v. Rahway State Prison, 81 N.J. 571, 579 (1980)). "An appellate court affords a 'strong presumption of reasonableness' to an administrative agency's exercise of its statutorily delegated responsibilities." Lavezzi v. State, 219 N.J. 163, 171 (2014) (quoting City of Newark v. Nat. Res. Council, Dep't of Env'tl. Prot., 82 N.J. 530, 539 (1980)). "In order to reverse

an agency's judgment, an appellate court must find the agency's decision to be 'arbitrary, capricious, or unreasonable, or . . . not supported by substantial credible evidence in the record as a whole.'" Stallworth, 208 N.J. at 194 (quoting Henry, 81 N.J. at 579-80) (alteration in original)).

[Matter of Restrepo, Dept. of Corrections, 449 N.J. Super. 409, 417 (App. Div.), certif. denied, 230 N.J. 574 (2017).]

As a general rule, the reviewing court should give "due regard to the opportunity of the one who heard the witnesses to judge of their credibility . . . and . . . [give] due regard also to the agency's expertise where such expertise is a pertinent factor." Clowes v. Terminix Int'l, Inc., 109 N.J. 575, 587 (1988) (alterations in original) (quoting Close v. Kordulak Bros., 44 N.J. 589, 599 (1965)).

Adhering to that limited review standard, we conclude the ALJ's findings were well-supported by the record, and that her decision was not arbitrary, capricious or unreasonable.<sup>1</sup>

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.

  
CLERK OF THE APPELLATE DIVISION

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<sup>1</sup> Appellant did not challenge the sanction imposed.