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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-4433-15T2

S.G.,

Appellant,

v.

NEW JERSEY DEPARTMENT  
OF HUMAN SERVICES,

Respondent.

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Submitted December 19, 2017 – Decided January 8, 2018

Before Judges Fasciale and Summers.

On appeal from the New Jersey Department of  
Human Services.

S.G., appellant pro se.

Christopher S. Porrino, Attorney General,  
attorney (Melissa H. Raksa, Assistant Attorney  
General, of counsel; Kevin J. Dronson, Deputy  
Attorney General, on the brief).

PER CURIAM

S.G. appeals from a May 11, 2016 final agency decision by the  
New Jersey Department of Human Services (Department) refusing to  
reimburse him \$22 for a food order.

On appeal, S.G. makes the following arguments:

[POINT I]

THE DEPARTMENT ERRED WHEN IT DENIED [S.G.'S] ADMINISTRATIVE REMEDY REQUEST TO REIMBURSE HIM \$22 FOR ITS EMPLOYEES' THEFT OF HIS OCTOBER 2015 FOOD PROJECT PURCHASE.

[POINT II]

THE DEPARTMENT'S FINAL AGENCY DECISION SHOULD BE REVERSED BECAUSE ITS ACTIONS ARE SHOWN TO BE EITHER ARBITRARY OR CAPRICIOUS, AND LACKS FAIR SUPPORT IN THE RECORD.

We conclude that S.G.'s arguments lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). We add the following brief remarks.

Our scope of review of an agency decision is limited. In re Stallworth, 208 N.J. 182, 194 (2011). "An appellate court ordinarily will reverse the decision of an administrative agency only when the agency's decision is 'arbitrary, capricious or unreasonable or [] is not supported by substantial credible evidence in the record as a whole.'" Ramirez v. Dep't of Corr., 382 N.J. Super. 18, 23 (App. Div. 2005) (alteration in original) (quoting Henry v. Rahway State Prison, 81 N.J. 571, 579-80 (1980)). In determining whether an agency's decision is arbitrary, capricious, or unreasonable, reviewing courts assess:

(1) whether the agency's action violates express or implied legislative policies, that is, did the agency follow the law; (2) whether the record contains substantial evidence to support the findings on which the agency based

its action; and (3) whether in applying the legislative policies to the facts, the agency clearly erred in reaching a conclusion that could not reasonably have been made on a showing of the relevant factors.

[Mazza v. Bd. of Trs., 143 N.J. 22, 25 (1995).]

"A reviewing court 'may not substitute its own judgment for the agency's, even though the court might have reached a different result.'" Stallworth, 208 N.J. at 194 (quoting In re Carter, 191 N.J. 474, 483 (2007)). "This is particularly true when the issue under review is directed to the agency's special 'expertise and superior knowledge of a particular field.'" Id. at 195 (quoting In re Herrmann, 192 N.J. 19, 28 (2007)). However, "an appellate court is 'in no way bound by the agency's interpretation of a statute or its determination of a strictly legal issue.'" Carter, 191 N.J. at 483 (quoting Mayflower Sec. Co. v. Bureau of Sec., 64 N.J. 85, 93 (1973)). Indeed, an agency's "interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995).

S.G. ordered food and was unable to receive it. In its final agency decision, the Department explained:

The money that you paid for that food was paid to the vendor in advance of preparation and delivery. Understandably, the vendor does not offer refunds once food is prepared and delivered, even if the individual who ordered

that food is unable to receive it. Similarly, we do not offer a refund if a Resident orders food but then is unable to receive it. The Food Project is provided as a privilege and Residents must be prepared to take the risk that they may order food but find themselves unable to take delivery of that food.

The Department's final agency decision is not arbitrary, and is supported by the credible evidence in the record.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION