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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-5548-15T4

WALI PALMER,

Appellant,

v.

NEW JERSEY DEPARTMENT
OF CORRECTIONS,

Respondent.

Submitted January 17, 2018 – Decided January 30, 2018

Before Judges Leone and Mawla.

On appeal from the New Jersey Department of
Corrections.

Wali Palmer, appellant pro se.

Gurbir S. Grewal, Attorney General, attorney
for respondent (Jason W. Rockwell, Assistant
Attorney General, of counsel; Christopher C.
Josephson, Deputy Attorney General, on the
brief).

PER CURIAM

Wali Palmer is presently confined at East Jersey State Prison.
He appeals from a July 12, 2016 decision by the New Jersey

Department of Corrections (NJDOC) denying his claim for back pay as a result of his job re-assignment to a lower paying job for eleven months. We affirm.

Palmer was employed in an outside job as a garbage detail worker, but then "laid in" or required to work as a lower paid building sanitation worker within a prison housing unit. Palmer was moved because of allegations of inmate drug use, allegedly by food service workers. He and several food service workers tested positive for contraband on an ion hand scan.

An investigation ensued into alleged narcotics use by Palmer and his fellow inmates. A subsequent ion scan was negative as were a subsequent urine test and strip search. Palmer's reassignment to the lower paying job occurred between March 9, 2016 and February 7, 2017. Thereafter, he was returned to his former job.

Palmer submitted an inmate grievance questioning why he was laid-in and seeking reinstatement to his former job assignment. The NJDOC responded to the grievance explaining Palmer had been re-assigned because of the investigation into narcotics use. Palmer appealed the NJDOC's initial decision, which was affirmed in the decision we now review.

On appeal, Palmer argues his re-assignment was wrongful and the result of a false-positive test. He asserts he was deprived

of due process and the ability to contest the job reassignment. He argues he was deprived of his right to the higher wages for nearly one year.

We begin by reciting our standard of review. "In light of the executive function of administrative agencies, judicial capacity to review administrative actions is severely limited." George Harms Constr. Co. v. N.J. Tpk. Auth., 137 N.J. 8, 27 (1994). The "final determination of an administrative agency . . . is entitled to substantial deference." In re Eastwick Coll. LPN-to RN Bridge Program, 225 N.J. 533, 541 (2016).

An appellate court will not reverse an agency's final decision unless the decision is "arbitrary, capricious, or unreasonable," the determination "violate[s] express or implied legislative policies," the agency's action offends the United States Constitution or the State Constitution, or "the findings on which [the decision] was based were not supported by substantial, credible evidence in the record."

[Ibid. (quoting Univ. Cottage Club of Princeton N.J. Corp. v. N.J. Dep't of Env'tl. Prot., 191 N.J. 38, 48 (2007)).]

Palmer's reassignment occurred as a result of the positive test. Although he questions the validity of the test, Palmer has not provided us with an objective basis to conclude it was a false-positive. Therefore, the job reassignment was not arbitrary, capricious, or unreasonable.

Moreover, Palmer does not possess a liberty or property interest in a job assignment. In Lorusso v. Pinchak, 305 N.J. Super. 117, 118 (App. Div. 1997), we affirmed the denial of retroactive work credits and wages for a delay in assigning a prisoner to employment. We expressly rejected an argument similar to the one advanced here, and held "inmate[s] ha[ve] no liberty interest in a particular, or any, job assignment, nor in the wages or credits that can be earned by performing a prison work assignment." Id. at 119 (citing James v. Quinlan, 866 F.2d 627, 629 (3d Cir. 1989)).

"[I]nmates entering prison have no concrete expectation of being given a job assignment." Id. at 119. Indeed, "because of the unique circumstances that attend the administration of prisons, reasonable assumptions of inmates cannot always be equated with constitutionally-protected liberty interests." Jenkins v. Fauver, 108 N.J. 239, 253 (1987).

Therefore, the decision to reassign Palmer did not deprive him of a fundamental liberty or property interest. Nor can it be considered arbitrary, capricious, or unreasonable under the circumstances presented.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION