

**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

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-0079-21**

KASEEM ALI-X,

Appellant,

v.

**NEW JERSEY DEPARTMENT
OF CORRECTIONS,**

Respondent.

Submitted April 26, 2023 – Decided May 3, 2023

Before Judges Haas and Gooden Brown.

On appeal from the New Jersey Department of Corrections.

Kaseem Ali-X, appellant pro se.

Matthew J. Platkin, Attorney General, attorney for respondent (Donna Arons, Assistant Attorney General, of counsel; William C. Booth, Deputy Attorney General, on the brief).

PER CURIAM

Appellant Kaseem Ali-X, an inmate currently in the custody of the Department of Corrections, appeals from the Department's final administrative decision denying his claim for reimbursement for lost property. We affirm.

By way of background, when an inmate asserts that his personal property has been lost, damaged, or destroyed, he must complete an "Inmate Claim." N.J.A.C. 10A:2-6.1(a). The inmate must complete the claim form "within [fifteen] . . . days of the incident or discovery of the incident." N.J.A.C. 10A:2-6.3(a).

Once the inmate files a claim for lost property, the Department must conduct an investigation and prepare a report. N.J.A.C. 10A:2-6.1(b). After the Department completes the investigation, the inmate's claim form and a copy of the investigative report must be submitted to the business manager of the correctional facility for review. N.J.A.C. 10A:2-6.1(c).

Before the claim is approved or denied, the DOC considers:

1. Whether the investigation revealed any neglect by the correctional facility;
2. Whether care was exercised by facility staff preventing property loss, damage or destruction;
3. Whether the inmate exercised care in preventing property loss, damage or destruction;

4. Whether it has been proven that the inmate was authorized to have and did, in fact, possess the item(s) named in the claim;
5. Whether sufficient information has been supplied by the inmate, including proper receipts, witnesses and investigative reports;
6. Whether the inmate submitted the claim in a timely manner;
7. Whether the loss or damage exceeds authorized amounts of correctional facility personal property limits;
8. Whether the personal property is considered contraband; and
9. Whether other reviewers recommended denial of the claim and the reasons therefor.

[N.J.A.C. 10A:2-6.2(a) (emphasis added).]

If a claim is denied, the DOC must notify the inmate in writing and provide "substantiating reasons." N.J.A.C. 10A:2-6.1(f).

Here, Ali-X submitted a claim for lost property on January 4, 2021. He alleged that the Department improperly confiscated his word processor eleven years earlier, on December 23, 2009. The Department assigned a sergeant to review Ali-X's allegation. After conducting an investigation, the sergeant

submitted a written report to the Claims Committee, concluding that Ali-X's claim was invalid because he had not submitted it within fifteen days of the December 23, 2009 incident that allegedly led to the loss of his property. In this regard, the sergeant contacted the facility where Ali-X was incarcerated in 2009 and learned that he never submitted a property claim at that facility.

Thereafter, the Committee accepted the sergeant's findings. On March 25, 2021, the prison administrator adopted the Committee's determination and denied Ali-X's claim. This appeal followed.

On appeal, Ali-X presents the following contentions:

POINT ONE

IN ABUSE OF AUTHORITY THE DEPARTMENT OF CORRECTIONS ARBITRARILY DENIED ALI-X'S CLAIM.

POINT TWO

PURPOSEFULLY THE DEPARTMENT OF CORRECTIONS HAS OMITTED ALI-X'S CLAIM FORM FROM RECORD.

POINT THREE

IN ABUSE OF AUTHORITY THE DEPARTMENT OF CORRECTIONS UNFAIRLY DOES NOT MANDATE INMATE'S RECEIPTS.

We have considered Ali-X's arguments in light of the record and applicable legal standards, and find them to be without sufficient merit to warrant discussion. R. 2:11-3(e)(1)(D) and (E). We add the following brief remarks.

The scope of our review in an appeal from a final agency decision is limited. Decisions of administrative agencies will not be reversed unless shown to be "arbitrary, capricious or unreasonable or . . . not supported by substantial credible evidence in the record as a whole." Henry v. Rahway State Prison, 81 N.J. 571, 579-80 (1980).

In this case, the Department followed the required procedures after Ali-X filed his untimely lost property claim. The Department conducted an investigation, considered the N.J.A.C. 10a:2-6.2(a) factors before denying it, notified Ali-X in writing of its decision, and provided substantiating reasons. We are satisfied that there was substantial credible evidence in the record as a whole to support the Department's explanation for denying Ali-X's claim, and the decision was not arbitrary, capricious, or unreasonable.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION