

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO.: A-001049-24 T2

IIDEERIA LAWRENCE,

Civil Action

Appellant,

On Appeal from

v.

BOARD OF TRUSTEES, POLICE AND  
FIREMEN'S RETIREMENT SYSTEM

Initial Decision dated  
September 27, 2024 under OAL  
Docket No. TYP-02933-22  
and upheld by The Board of  
Trustees of the Police and  
Firemen's Retirement System  
on November 6, 2024

Respondent.

Sat below:

Hon. Susan M. Scarola, ALJ

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**Brief and Appendix  
of Appellant  
Ideeria Lawrence**

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Szaferman Lakind Blumstein & Blader  
120 Sanhican Drive  
Trenton, New Jersey 08618  
609-771-8611; 609-771-8612 (fax)  
[sgaylord@szaferman.com](mailto:sgaylord@szaferman.com)

Samuel M. Gaylord, Esquire  
ID #024611995  
On the Brief

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## PRELIMINARY STATEMENT

If this Court follows the Published Opinions of Richardson vs. Board of Trustees, Police and Firemen's Retirement System, 192 N.J. 189 (2007) and Moran v. Board of Trustees, Police and Firemen's Retirement System, 438 N.J. Super. 346 (App. Div. 2014), Ms. Ideeria Lawrence will be granted her Accidental Disability Pension benefits because the October 12, 2014, incident meets the definition of what constitutes an "undesigned and unexpected" event; Ms. Lawrence's being ordered into the cell and the resulting combative non-compliance and restrain of the resident caused her injury. The heart of the inquiry is whether, during the regular performance of her regular job, an unexpected happening has occurred and directly resulted in the permanent and total disability of the member. Richardson, Supra, 192 N.J. at 213-14. Brooks v. Board of Trustees, Public Employees' Retirement System, 425 N.J. Super. 277, 279 (App. Div. 2012).

The undesigned and unexpected component, established by the New Jersey Supreme Court in Richardson, was designed to eliminate occupational claims from consideration for Accidental Disability Pension benefits. This work accident is specific and the disability directly attributable to the assault. As such, the Board of Trustees, Police and Fireman's Retirement System (PFRS) erred in applying an unduly restrictive notion of what constitutes an "undesigned

and unexpected" incident to Ms. Ideeria Lawrence. It is our suspicion that had Officer Richardson been before Judge Scarola she too would have been denied his Accidental Disability Pension. The testimony and evidence before this Court demonstrates the mechanism of the injury meets the "undesigned and unexpected" standard, and therefore, the Board's decision must be overturned and Ms. Lawrence granted her Accidental Disability Pension.

### **PROCEDURAL HISTORY**

On August 11, 2021, Ms. Lawrence applied for Accidental Disability Pension Benefits using an effective retirement date of September 1, 2021. (Aa1-Aa3). An Employer Certification for Disability Retirement dated September 30, 2021, was sent to Pensions by Officer Lawrence's employer. (Aa4-Aa7).

The Board, on February 15, 2022, denied Officer Lawrence her Accidental Disability pension benefits. (Aa8-Aa9). The Board determined that the October 12, 2014 incident was identifiable to time and place, occurred during and as a result of Petitioner's regular and assigned duties and was also not the result of Petitioner's willful negligence. (Aa8). Although the Board determined that the event was caused by an external circumstance, the Board opined the incident was not an "undesigned and unexpected" event. (Aa8).

On February 28, 2022, Officer Lawrence appealed the Board's decision

(Aa10), and on April 12, 2022, a letter was authored by the Board transferring the matter to the Office of Administrative Law for a hearing and decision by an Administrative Law Judge. (Aa11). A hearing was held and on September 27, 2024 Judge Scarola authored her initial decision. (Aa12-Aa22). The Board on November 6, 2024, upheld the Judge's initial decision. (Aa23). This appeal ensued and on December 13, 2024 a Notice of Appeal and Case Information Statement were filed. (Aa24-Aa29).

### **STATEMENT OF FACTS**

Officer Lawrence was a Senior Corrections Police Officer for Edna Mahan Women Correctional Institution. (1T7:18-24). On October 12, 2014, Officer Lawrence was assigned to "C" Cottage and was the suicide unit officer. (1T10:2-5). Officer Lawrence testified that she was familiar with her official job description at Edna Mahan, and the facility's policies and procedures. (Aa30-Aa32).

On October 12, 2014, she was ordered by her Sergeant to go in and remove the inmates clothes. (1T12:21-24). Officer Lawrence had been assigned to the C Cottage Stabilization Unit; also known as the suicide unit. 1T10:2-5. The inmates housed at this particular unit require "constant watch" and monitoring by an officer because they have exhibited suicidal ideation or abnormal behaviors. (1T10:2-9).

“Constant watch” refers to an inmate’s status that requires a “one on one” continual observation of an inmate by an assigned corrections officer. 1T10:6-9.

She also testified that she would monitor inmates’ food intake, medication compliance, talkativeness and overall behavior, since these details reflect the progression or recovery of the inmate’s mental condition. (1T10:13-22).

Officer Lawrence testified if she had followed her Sergeant’s order she would have been insubordinate and disciplined. (1T13:1-6). She did testify that she had never dealt with this inmate before this incident. (1T13:18-25).

Officer Lawrence testified that what started off as a routine strip search turned into a Code 33, macing and decontamination of the inmate and her cell. (1T14:11-13); (1T15:15-22). The decontamination process involved physically lifting the 5’3”, 200 lbs. inmate, carrying her to the shower for bathing, and physically placing her in a new cell. (1T15:17-22); (1T29:5-10). During this process, her clothes were eventually removed, and she was placed into a clean prison garment. (Aa33-Aa34).

Officer Lawrence testified that following the incident she was experiencing pain and completed an incident report. (Aa33-Aa34). She clarified that although her disability application included a knee injury, this incident only involved an injury to her right shoulder. (1T26:8-15); (Aa33-Aa34).

Officer Lawrence agreed that a report containing a written description was accurate. (Aa33-Aa34). The report states, "Patient was at work about 10 a.m. today trying to assist in subduing an inmate and got pushed around about one hour later with severe shoulder and neck pain." (Aa33-Aa34).

### **STANDARD OF REVIEW**

The standard of review that applies in an appeal from a state administrative agency's decision is well established and limited. Russo v. Bd. Of Trs., 206 N.J. 14, 27 (2011)(citing In re Herrmann, 192 N.J. 19, 27 (2007)). This Court does grant a strong presumption of reasonableness to an agency's exercise of its statutorily delegated responsibility, City of Newark v. Natural Res. Council, 82 N.J. 530, 539 cert. denied, 49 U.S. 983, 101 S. Ct. 400, 66 L. Ed. 2d 245 (1980), and defer to its fact finding. Utley v. Bd of Review, 194 N.J. 534, 551 (2008). The agency's decision should be upheld unless there is a "clear showing that it is arbitrary, capricious, or unreasonable, or that it lacks fair support in the record or that it violated legislative policies. In re Musick, 143 N.J. 206, 216 (1996); Campbell v. Dep't of Civil Serv., 39 N.J. 556, 562 (1963); Caminiti v. Bd. of Trs., Police and Firemen's Ret. Sys., 431 N.J. Super. 1, 14 (App. Div. 2013) (Citing Hemsey v. Bd of Trs., Police and Firemen's Ret. Sys., 198 N.J. 215, 223-24 2009). On appeal, "the test is not whether an appellate court would come to the same conclusion to the original determination was its to make, but

rather whether the fact finder could reasonably so conclude upon the proofs.”

Brady v. Bd of Review, 152 N.J. 197, 210 (1997) ("Charatam v. Board of Review, 200 N.J. Super. 74, 79 (App. Div. 1985). Nevertheless, if the Court's review of the record shows that the agency's finding is clearly mistaken, the decision is not entitled to judicial deference, See H.K. v. Department of Human Services, 184 N.J. 367, 386 (2005); L.N. v. State, Div. of Med. Assist. and Health Servs., 140 N.J. 480, 490 (1985) nor is this Court bound by the agency's interpretation of a statute or its determination of a strictly legal issue. Mayflower Cec. Co. v. Bureau of Sec., 64 N.J. 85,93 (1973).

The public pension systems are “bound up in the public interest and provide public employees significant rights which are deserving of conscientious protection.” Zigmont v. Bd. Of Trs. Teachers' Pension & Annuity Fund, 91 N.J. 580, 583 (1983). Because pension statutes are remedial in character, they are liberally construed and administered in favor of the persons intended to be benefited thereby. Klumb v. Bd of Educ. Of Manalapan-Englishtown Reg'l High Sch. Dist., 199 N.J. 14, 34 (2009).

In this case, the Board adopted the ALJ's application of the law and facts. Therefore, it is respectfully requested this Court focus on Judge Scarola's narrow construction and misinterpretation of the law and find her decision, and the Board's determination, not entitled to this Court's deference as it misinterprets the

statute and clear legislative intent as well as the case law; specifically Richardson vs. Board of Trustees, Police and Firemen's Retirement System, 192 N.J. 189 (2007) and Moran v. Board of Trustees, Police and Firemen's Retirement System, 438 N.J. Super. 346 (App. Div. 2014).

## LEGAL ARGUMENT

### POINT I

#### **THE PFRS BOARD IMPROPERLY DETERMINED THAT MS LAWRENCE IS NOT ENTITLED TO AN ACCIDENTAL DISABILITY PENSION BECAUSE THE INCIDENT CAUSING HER DISABILITY WAS UNDESIGNED AND UNEXPECTED(Aa1-Aa2)(Aa33-Aa34)(1T14:11-13)(1T15:15-22)**

The pivotal legal issue before the Court is whether or not the October 12, 2014 incident (Aa33-Aa34) was an "undesigned and unexpected" event. This requirement is an element of eligibility as set forth in the Supreme Court's seminal opinion in Richardson v. Board of Trustees, Police and Firemen's Retirement System, 192 N.J. 189, 212-13 (2007), clarifying the meaning of the term "traumatic event" under N.J.S.A. 43:16A-7(1). As delineated in Richardson, a claimant for accidental disability retirement benefits must establish:

- (1) that he is permanently and totally disabled;
- (2) as a direct result of a traumatic event that is
  - a. identifiable as to time and place,
  - b. undesigned and unexpected, and
  - c. caused by a circumstance external to the member (not the result of pre-existing disease that

is aggravated or accelerated by the work).

(3) that the traumatic event occurred during and as a result of the member's regular or assigned duties;

(4) that the disability was not the result of the member's willful negligence; and

(5) that the member is mentally or physically incapacitated from performing his usual or any other duty.

[Ibid. (emphasis added).]

The Court explained, "[t]he polestar of the inquiry is whether, during the regular performance of his job, an unexpected happening, not the result of pre-existing disease alone or in combination with the work, has occurred and directly resulted in the permanent and total disability of the member." *Id.* at 214.

In Richardson, the corrections officer suffered an injury while attempting to subdue an inmate who had forcefully jerked up from the ground, knocking the officer backward and causing him to fall back onto his left hand, injuring his wrist. *Id.* at 193. The Board denied his accidental disability finding the incident was not a traumatic event. The Court reversed stating that "a traumatic event is essentially the same as what we historically understood an accident to be an unexpected external happening that directly causes injury and is not the result of pre-existing disease alone or in combination with work effort." Richardson, supra, 192 N.J. at 212.

As Chief Justice Weintraub explained and was quoted in

Richardson, supra, at 201, in referencing Russo v. Teachers' Pension and Annuity Fund, 62 N.J. 142, at 152 (1973):

“In ordinary parlance, an accident may be found either in an unintended external event or in an unanticipated consequence of an intended external event if that consequence is extraordinary or unusual in common experience. Injury by ordinary work effort or strain to a diseased heart, although unexpected by the individual afflicted, is not an extraordinary or unusual consequence in common experience. We are satisfied that disability or death in such circumstances is not accidental within the meaning of a pension statute when all that appears is that the employee was doing his usual work in the usual way.”

As a consequence, there are two basic types of external events, either an unintended external event or an unanticipated consequence of an intended external event if that consequence is extraordinary or unusual in common experience. In the former, the happening of the event is undesigned and unexpected, while in the latter, it is the consequence of the event which is undesigned and unexpected. In either case, however, the external event must occur during and as a result of the performance of the regular or assigned duties.

The Undesigned and Unexpected prong was not established to make the acquisition of Accidental Disability benefits an impossible hurdle. In theory, every event could be one that someone, with any kind of training, might be aware of, and therefore, it could be argued no accidental disability pension benefits should ever

be awarded. I am sure a position the Pension Boards wished were true.

However, the legislature did not intend to wipe out these applications but did intend to wipe out the “occupational” disability claims as being eligible for accidental disability benefits. In other words, if someone repetitively used their hands, and developed bilateral carpal tunnel, which would prevent that person from doing their job, although work related, would NOT make them eligible for accidental disability pension benefits.

The Court provided in Richardson the following examples of the kinds of accidents occurring during ordinary work efforts that would qualify for accidental disability retirement benefits: "A policeman can be shot while pursuing a suspect; a librarian can be hit by a falling bookshelf while re-shelving books; a social worker can catch her hand in the car door while transporting a child to court." Ibid.

The Court also provided counter-examples of situations that would not qualify for these benefits under a certain set of facts but would qualify under a different set of facts. For example, a police officer who has a heart attack while chasing a suspect would not qualify because "work effort, alone or in combination with pre-existing disease, was the cause of the injury." Id. at 213.

However, the Court explained that "the same police officer [who was] permanently and totally disabled during the chase because of a fall, has suffered a traumatic event." Ibid. (emphasis added). Likewise, a gym teacher who develops

arthritis "from repetitive effects of his work over the years" would not qualify as suffering a traumatic event; however, if the same gym teacher trips over a riser and is injured, that injury would satisfy the standard. *Ibid.* Published decisions have illustratively applied this "undesigned and unexpected" legal standard. For example, in Moran v. Board of Trustees, Police & Firemen's Retirement System, 438 N.J. Super. 346, 348 (App. Div. 2014), the Court reversed the Board's determination and held that a firefighter who suffered a disabling injury while kicking down the door of a burning building because the tools normally used by firefighters to break down doors had not yet arrived was an "undesigned and unexpected" event.

Mr. Moran was a firefighter who but for the sudden and emergent circumstance of having to enter a burning building which was initially thought to be vacant but was not sustained injuries when he was forced to break in a door as part of his job duties.

The Board in Moran held that the kicking in a door or intentionally using one's back to gain entry did not constitute an unexpected happening and that the job duties included rescuing people and hence Moran performed "a duty within the scope and performance of his regular duties for which he had been specifically trained." The Moran Court held that the Board misconstrued Richardson and reached a result at odds with the legislative intent in adopting the "traumatic event" standard. The Court upheld the ALJ stating "the traumatic event must be viewed with a wider lens than the

one the Board applied. The undesigned and unexpected event here was the combination of unusual circumstances that led to Moran's injury. Had he not responded immediately to break down the door, the victims would have died." "While this was not the classic "accident" in the sense that the house did not collapse on Moran, nor did he trip while carrying a fire house, it was clearly an undersigned and unexpected traumatic event."

Similarly, in Brooks v. Board of Trustees, Public Employees' Retirement System, 425 N.J. Super. 277, 279 (App. Div. 2012), the Court reversed another pension agency's denial of accidental disability retirement benefits to a school custodian who injured his shoulder moving a 300- pound weight bench into the school. The Court found the custodian's accident was clearly "undesigned and unexpected" because he had been confronted with an unusual situation of students attempting to carry the heavy bench into the school, took charge of the activity, and the students suddenly dropped their side of the bench, placing its entire weight on the custodian. Id. at 283.

In the present matter, the Board's opinion is that Officer Lawrence' claim does not satisfy the Richardson standard because the incident was not an unanticipated consequence of a qualifying event and not extraordinary or unusual in common experience, therefore not undesigned or unexpected. I suspect that if Richardson were

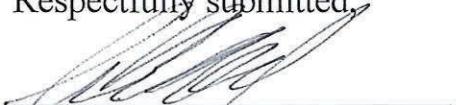
in front of this Board today, they again would deny him his Accidental Disability benefits despite what the New Jersey Supreme Court has said.

Officer Lawrence, although participating in an anticipated event, sustained an unintended consequence of the event in dealing with an inmate she had never dealt with before the incident. She had no knowledge of the inmate, had never dealt with her before, and had no warning from any fellow officer that a routine strip search would result in the reaction and violent combative nature of the inmate. (1T14:11-13). Although Officer Lawrence had training to perform strip searches and cell extractions, and although she was performing that activity, the unintended consequence of the inmate going crazy was directly from the event. Thus, as stated in Richardson and Russo, the unintended consequence of an intended event still allows for the receipt of Accidental Disability pension benefits. Due to the Board's narrow construction and misapplication of the law, this Court can reverse the Board's decision and grant Officer Lawrence her Accidental Disability Pension benefits.

**CONCLUSION**

It is for the foregoing reasons, this Court can reverse the Board's decision and grant Officer Lawrence her Accidental Disability Pension benefits.

Respectfully submitted,



Samuel M. Gaylord, Esq.

cc: Juliana C. DeAngelis, Esq.



**JAMES A. KOMPANY**  
*Chairman*

**GREGORY PETZOLD**  
*Executive Director*

September 5, 2025

**Via Electronic Filing**

Marie C. Hanley  
Appellate Division Clerk  
Appellate Division Clerk's Office  
P.O. Box 006  
Trenton, New Jersey, 08625

Attention: Denise L. Koury – Case Manager

**Re: Ideeria Lawrence v. Board of Trustees,  
Police and Firemen's Retirement System of N.J.,  
Docket Number: A-001049-24T2**

**On appeal from the Final Agency Decision of the  
Board of Trustees of the Police and Firemen's  
Retirement System of New Jersey**

**Sat Below: Hon. Susan M. Scarola, A.L.J.(on recall)**

Dear Ms. Hanley,

Pursuant to Court Rule 2:6-2(b), please find attached Respondent Board of Trustees, Police and Firemen's Retirement System of New Jersey's letter brief in lieu of a more formal brief in opposition and seeking dismissal of the appeal.

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### **PRELIMINARY STATEMENT**

Appellant Ideeria I. Lawrence (“Lawrence” or “Appellant”), former employee at the Edna Mahan Women’s Correctional Institution (“Mahan Facility”), improperly tries to reverse a decision of the Board of Trustees, Police and Firemen’s Retirement System of New Jersey (the “Board” or “Respondent”) denying her Accidental Disability retirement benefits (“AD”) on appeal. She formerly worked as a Senior Corrections Police Officer (“SCPO”) at the Mahan Facility as a suicide unit police officer. On October 12, 2014, Lawrence was injured while participating

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in a cell extraction/strip search that became aggressive. After a full hearing in the Office of Administrative Law (“OAL”) on September 11, 2023 and January 22, 2024, an Initial Decision, dated September 27, 2024 (“ID”), issued that found that Lawrence had failed to carry her burden of proof on the “undesigned and unexpected” element under Richardson v. Bd. of Trs., Police & Firemen’s Ret. Sys., 192 N.J. 189, 212-13 (2007). The Board adopted the ID and denied AD to Lawrence. (Aa11).<sup>1</sup> This appeal followed.

The full record, developed at hearing, contains sufficient and substantial credible evidence to support the Board’s decision to deny AD to Lawrence and to adopt the ID. Lawrence was injured performing her ordinary job duties in the usual way and her disability was not a result of an “unexpected happening” during that work effort. Respondent’s denial decision, based on the ID, should be affirmed and this appeal dismissed.

## **PROCEDURAL HISTORY AND COUNTERSTATEMENT OF FACTS<sup>2</sup>**

Lawrence worked as a SCPO at the Mahan Facility starting in 2014 and worked seven years when she stopped working. (Aa13). Lawrence filed for accidental disability retirement benefits (“AD”) after an October 12, 2014 injury,

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<sup>1</sup> “Aa” citations refer to documents in Lawrence’s Appendix, previously filed with the Court.

<sup>2</sup> Because the Procedural History and Counterstatement of Facts are closely related, they are combined to avoid repetition and for the Court’s convenience.

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alleging a left shoulder condition resulting from the incident. On October 12, 2014, an inmate was coming into the suicide unit where she worked. The strip search of that inmate turned into a combative emergency call (a “Code 33” call) and pepper spray (“OC”) was deployed against the inmate by another correction officer (“CO”). Lawrence then participated in decontamination of the inmate in the shower unit and assisted in clothing the inmate in prison garb (the “incident”). (Aa15). The ID found that Lawrence thought that her injury took place moving the inmate back and forth to the showers for decontamination. *Ibid.* Lawrence was not sure, however. Id. Lawrence applied for AD on August 11, 2021 as a result of an injury to her right shoulder and neck pain. Lawrence’s AD claim relates only to her right shoulder injury that she sustained while restraining the inmate. She returned to work full duty after a surgery, though she stopped working thereafter because she could not qualify with a firearm. (Aa16). She received an award of Ordinary Disability retirement benefits (“OD”) on February 14, 2022. (Aa8). A hearing was held on September 11, 2023 and January 22, 2024. (Aa13).

Lawrence was trained at the corrections academy on the use of OC spray. (Aa13; Aa15). In addition to annual firearms qualification, she was trained in the Mahan Facility’s policies on strip searches and cell extraction for inmates. (Aa15).

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Lawrence “acknowledged that her job duties included controlling the conduct of inmates, and that is what she was doing until the inmate’s behavior became wild and unpredictable.” Ibid. Her job duties for the stated he must “[c]ontrols the general conduct and behavior of inmates according to established institutional procedures and prevents disturbances and escape attempts.” (Aa30). Job duties also require that she “[m]aintain[] discipline and order.” Ibid. She said that the inmate was “pushing and hitting and kicking” her during the incident. (Aa14). Lawrence credibly testified as the only witness and her testimony supported the fact-findings in the ID. (Aa17; Aa22).

In the ID, Lawrence was denied AD because she failed to carry her burden of proof, i.e., she was not injured as a result of a “traumatic event” because the incident was not “undesigned and unexpected.” (Aa15). The ID applied the “undesigned and unexpected” element of the “traumatic event” definition developed after Richardson v. Police and Firemen’s Ret. Sys. Bd. of Trs., 192 N.J. 189, 212, 214 (2007) and Brooks v. Bd. of Trs., Pub. Employees’ Ret. Sys., 425 N.J. Super. 277 (App. Div. 2012) from these facts. (Aa18-Aa20). The ID found that the incident was not an “unexpected happening”, as defined in Richardson, 192 N.J. at 214, because it was specified in Lawrence’s job duties, the incident occurred during the performance of those duties and there was no evidence that an “unexpected

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happening" occurred. (Aa20). The ID states "The petitioner thought her injuries had occurred when the three female officers had to carry a 5'3" – 5'4", 200 pound inmate to the shower and back but was not sure." (Aa15). "She had no broken bones[.]" Ibid. "She had received the correctional facility's training on its policies concerning strip searches and extraction of inmates from cells." Id. The ID applied the facts as follows:

Here, the petitioner was performing her ordinary duties: stripping an inmate who had become uncooperative and needed to be subdued. After mace was used, the inmate was carried by three officers to the shower. The petitioner cannot point to an onrush of force or any particular violent act of the inmate that caused her disability. While uncooperative inmates may not have been a frequent event, nevertheless the petitioner had experienced this type of incident before and the petitioner was performing her job as she had for seven years. She was dealing with an uncooperative inmate as she had done many times in the past. Any injury sustained was the result of performing her normal work effort in her normal way, with no external happening.

[(Aa17)].

By adopting the ID, the Board adopted these facts in the Final Agency Determination ("FAD"), which are supported in the ID. (Aa23). No exceptions were taken. Ibid. This appeal followed, Aa24-26, and Lawrence takes issue with the Board's decision that she failed to satisfy the "undesigned and unexpected" element. (Aa23).

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**ARGUMENT**

**POINT I**

**LAWRENCE HAS FAILED TO SATISFY THE STRIGENT REVIEW STANDARD FOR APPEALING THE BOARD'S DENIAL DECISION.**

The appellate standard of review from the Board's denial decision by this court is very stringent. Case law provides that, "review of administrative agency action is limited. 'An administrative agency's final quasi-judicial decision will be sustained unless there is a clear showing that it is arbitrary, capricious or unreasonable, or that it lacks fair support in the record.'" Russo v. Bd. of Trs., Police & Firemen's Ret. Sys., 206 N.J. 14, 27 (2011)(citations omitted); Gerba v. Bd. of Trs., Pub. Employees' Ret. Sys., 83 N.J. 174, 189 (1980)(“On judicial review of an administrative agency determination, courts have but a limited role to perform.”). Case law also accords a strong presumption of reasonableness to an agency's exercise of its statutorily delegated responsibility as well as its fact-finding. See Mazza v. Bd. of Trs., Police & Firemen's Ret. Sys., 143 N.J. 22, 29 (Handler, J., dissent). Further, an administrative agency's determination is presumptively correct and, on review of the facts, a court will not substitute its own judgment for that of an agency where the agency's findings are supported by substantial credible evidence. See also Atkinson v. Parsekian, 37 N.J. 143, 149 (1962); Campbell v. New Jersey Racing Comm'n, 169 N.J. 579, 587 (2001). If an appellate court "is

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satisfied after its review that the evidence and the inferences to be drawn therefrom support the agency head's decision, then it must affirm even if the court feels that it would have reached a different result itself." Clowes v. Terminix Int'l Inc., 109 N.J. 575, 588 (1988); In re Stallworth, 208 N.J. 182, 194 (2011) (citation omitted) ("A reviewing court 'may not substitute its own judgment for the agency's, even though the court might have reached a different result.'"); Kasper v. Bd. of Trs., Teacher's Pension & Annuity Fund, 164 N.J. 564, 580-81 (2000).

Only where an agency's decision is arbitrary, unreasonable or capricious, or unsupported by substantial credible evidence in the whole record, may it be reversed. Henry v. Rahway State Prison, 81 N.J. 571, 579-80 (1980); Atkinson, 37 N.J. at 149. Moreover, the party who challenges the validity of the administrative decision bears the burden of showing that it was "arbitrary, unreasonable or capricious." Boyle v. Riti, 175 N.J. Super. 158, 166 (App. Div. 1980) (internal citations omitted). Lawrence has failed to meet this stringent review standard.

## POINT II

**THE BOARD CORRECTLY ANALYZED THE LAW AND FACTS AND DETERMINED THAT LAWRENCE FAILED TO SATISFY HER BURDEN OF PROOF THAT THE INCIDENT WAS UNDESIGNED AND UNEXPECTED.**

The Board's legal analysis starts by answering whether the incident was

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a “traumatic event” by applying the “undesigned and unexpected” definition.

Richardson v. Bd. of Trs., Police & Firemen’s Ret. Sys., 192 N.J. 189, 212-13

(2007). To establish whether the incident that caused the disabling injury was a “traumatic event,” a member like Lawrence must show that the incident is, among other things, “undesigned and unexpected.” Ibid. The ID noted the Richardson argument that to be “undesigned and unexpected” facts must be found that “during the regular performance of [appellant’s] job, an unexpected happening, not the result of pre-existing disease alone or in combination with the work, has occurred . . .”

Id. at 214. Because the incident occurred during the performance of Lawrence’s job duties, which were regularly (if not frequently) performed by her, this record amply supports that there was no “unexpected happening” and it was not “undesigned and unexpected.” (A20).

Appellant also makes another argument, Ab9,<sup>3</sup> based in Richardson, citing Russo v. Teacher’s Pension & Annuity Fund, 62 N.J. 142, 152 (1973), that explains there are two types of “accidents”: 1) “an unintended external event” or 2) “an unanticipated consequence of an intended external event if that consequence is extraordinary or unusual in common experience.” Richardson, 192 N.J. at 201.<sup>4</sup> In

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<sup>3</sup> “Ab” citations refer to Lawrence’s merits brief, previously filed with the Court.

<sup>4</sup> While this analysis was not applied in the ID, it is argued in Appellant’s brief, Ab9, and is addressed here therefore.

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the first class of accidents, the happening of the event is assessed for whether it is “undesigned and unexpected.” In the second class of accidents, the consequence of the event is assessed for whether it is “undesigned and unexpected.” Ibid. In both cases, the external event must occur during and as a result of the performance of the regular or assigned duties. Id.

In the second class of accidents, one looks to the consequence of the intended event and whether or not that consequence is unusual or extraordinary or in common experience. Id. Under Russo, 62 N.J. at 154 and Cattani v. Bd. of Trs., Police & Firemen's Ret. Sys., 69 N.J. 578, 581 (1976), as reaffirmed by Richardson, a heart attack after heavy or light work effort, is an example of a consequence of an intended external event that is excluded because its occurrence is not an extraordinary or unusual consequence in common experience. Cattani v. Bd. of Trs., Police & Firemen's Ret. Sys., 69 N.J. 578, 581 (1976); Richardson, 192 N.J. at 201-203. A fireman's strenuous work effort in dragging heavy hoses without adequate manpower to assist, was not a traumatic event. Cattani, 69 N.J. at 586. In Russo, a school custodian with advanced heart disease suffered a heart attack at work. 62 N.J. at 145. Lawrence here was doing her “usual work in the usual way” and no traumatic event occurred. 62 N.J. at 154.

This requirement means that the consequence of the incident must be

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an unintended as well as extraordinary or unusual in common experience. Restraining a combative inmate, even using OC spray, in the facility is neither extraordinary nor uncommon as a consequence of disruption by an inmate. The injury itself cannot be the sole unintended consequence of the incident. Lawrence's disabling shoulder injury, after extracting a combative inmate from a cell and/or carrying her to decontamination in the shower, was not unusual in common experience. Lawrence also fails to identify what specific action caused her disability.

Richardson's facts are dissimilar and do not dictate a reversal here, despite Lawrence's argument. (Ab8). Nothing in this record amounts to "kicking, punching and throwing his body around" regarding the aggressive inmate. 192 N.J. at 193. Corrections Officer Richardson "straddled" the inmate while the inmate continued kicking, punching and throwing his body around. Ibid. Richardson was knocked backward onto his left hand, which hyper-extended his wrist in contact with the facility's floor. Id. This exact injury produced Richardson's disability. Nothing in this ID can be described to resemble the intensity of the Richardson facts. Richardson is distinguished because there was no aspect of the extraction or decontamination involving Lawrence and the inmate where Lawrence was bucked backwards to the prison floor or any other part of the prison contacting her right

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shoulder. Id. She also had subsequent surgery on her right shoulder. (Aa16). There is no automatic equation of a disabling injury and a “traumatic event” that entitles a member to AD; undesigned and unexpected analysis is case by case. Here, Lawrence was performing her job duties, and nothing external, i.e., some part of the facility or another person, intervened to cause her disability or make a “traumatic event.”

Lawrence’s argument - Lawrence never dealt with the inmate before, and had no warning from other correction officers about her - is misplaced. (Ab13). Prior knowledge of an incident or of an inmate is not part of “undesigned and unexpected” analysis. Ibid. Lawrence’s suggestion that no CO need apply for AD in light of this ID is also speculative. (Ab12-Ab13). Further, Lawrence makes the hyperbolic assertion that the “undesigned and unexpected” analysis in the ID creates an “impossible hurdle” to AD for members. (Ab9). There is no support for these conjectural speculations, especially as a basis to reverse the FAD.

Neither Moran nor Brooks support the conclusion that this incident was “undesigned and unexpected.” Ab11-12. As with Richardson, the factual dissimilarities with this incident prevent them from controlling this result. In Moran v. Bd. of Trs., Police & Firemen’s Ret. Sys., a firefighter’s case was found undesigned and unexpected, where a firefighter was confronted by a burning

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building with two people in it and no fire tools to use to enter it and no back-up fire units arriving. 438 N.J. Super. 346, 354 (App. Div. 2014).<sup>5</sup> Moran injured himself by manually breaking into the building to save them. Ibid. The Court found that Moran was disabled in a “traumatic event” because of the various “unusual circumstances” that converged in that incident were “undesigned and unexpected.” There is no convergence of “unusual circumstances” here, like a firefighter breaking into an engulfed structure alone with no equipment or trucks while victims are trapped inside screaming. The “wider lens” applied in Moran is fact-specific and does not generally apply to the application of the “undesigned and unexpected” element. Id.

Similarly, Brooks was found to be undesigned and unexpected because a maintenance worker, moving a 300 pound weight bench with a group of students, became disabled when the students suddenly dropped their end of the weight bench, leaving Brooks to hold it alone. Brooks v. Bd. of Trs., Public Employees. Ret. Sys., 425 N.J. Super. 227, 283-84 (App. Div. 2012). (Aa13). The court rejected the Board’s denial decision for AD, finding that the weight bench falling onto Brooks’ foot was undesigned and unexpected, regardless of whether it was a foreseeable risk

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<sup>5</sup> Moran v. Bd. of Trs., Police and Firemen’s Ret. Sys., 438 N.J. Super. 346, 354 (App. Div. 2014) was not utilized in the ID, but is argued in Lawrence’s brief so it is distinguished here.

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of the activity. The Brooks foreseeability analysis, part of the “undesigned and unexpected” element, does not pertain here. It illustrates nothing about the incident and does not support reversal of the FAD now.

The law and the evidence in the record as a whole do not support that any line-of-duty accident automatically entitles the victim to AD. N.J.S.A. 43:16A-7 cannot be interpreted to mean that participating in any incident with a resulting disabling injury produces AD. The opposite is the applicable interpretation, *i.e.*, that N.J.S.A. 43:16A-7 was amended to narrow the universe of circumstances resulting in AD benefits. See Cattani, 69 N.J. at 584 (quoting Russo v. Teachers' Pen. & Annuity Fund, 62 N.J. 142, 151 (1973)); N.J.S.A. 43:16A-7 (purpose of amendment at L.1964, c.242, §2 in 1964 was to make the granting of AD more difficult).

### **POINT III**

#### **SUBSTANTIAL, CREDIBLE EVIDENCE IN THE WHOLE RECORD SUPPORTS THE BOARD'S DENIAL DECISION, SO IT IS NEITHER ARBITRARY NOR CAPRICIOUS.**

The whole record in this matter is clear and undisputed that Lawrence's disabling injury resulted from extracting an inmate and decontaminating her in the shower at the Moran Facility did not result from a “traumatic event” because it was not “undesigned and unexpected.” Substantial, credible evidence supports the Board's conclusion that Lawrence failed to carry her burden of proof to satisfy the

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Richardson element for the “traumatic event” definition. The Board was neither arbitrary nor capricious in denying AD, and adopting the ID.

The Board gave weighty consideration to the facts before it in determining the outcome of this case. In particular, several factual findings contained in the ID were incorporate into the Board’s denial decision, adopting the ID. Though the incident was not a normal situation, the ID concluded that “[t]hese were part of her duties, and the petitioner was complying with the policy as she attempted to strip the inmates and extract her from her cell.” (Aa15-Aa16). The ID provides a clear and reasonable basis for the Board’s determination that Lawrence did not qualify for AD.

First, the record indicates that Lawrence was academy-trained in restraint. (Ab12). Her training was adequate for the activities during the incident. (Aa15). She worked for several years for the Mahan Facility. (Aa12). She had dealt with combative inmates previously, though not many of them. (Aa16). She had a previous assignment at which she said that she did not deal with combative inmates. Ibid. It was clear that Lawrence’s restraining inmates was a part of her normal work duties. Id. Her job duties for a SCPO job dictate as much. (Aa26). Maintaining care custody and control of the inmates, is also an express feature of the SCPO job duties. Ibid. The record also supports that an injury following restraining an inmate

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is not an unusual occurrence in common experience for a SCPO.

There was a lack of specifics regarding exactly when her injury occurred during the overall 20 to 30 minute timeframe for the incident and that Lawrence was not in pain immediately, until the incident was over. (Aa15).

The ID does not apply an overly-narrow statutory interpretation of the “undesigned and unexpected” requirement either. This is, rather, a stock argument based on a comment in Moran and is not applicable here. The ID properly separates and evaluates the proximate facts from Lawrence from other facts regarding irrelevant acts and actors. The “undesigned and unexpected” requirement is not satisfied; there was no “unexpected happening.”

Because of these facts, as well as the other facts contained in the ID, which form the basis for the Board’s decision, there is substantial, credible evidence in the record supporting the Board’s AD denial. The record supports that the unintended consequences, either understood as the restraint itself or Lawrence’s shoulder disability, are not extraordinary in common experience under the circumstances. It supports the Board’s finding that retraining an inmate as here was not extraordinary or unusual. Also, Lawrence’s right shoulder disability was not the result of an “unexpected happening”. It is neither arbitrary nor capricious, there is no basis for reversal, the Board’s AD denial decision should be sustained and this

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appeal dismissed.

**CONCLUSION**

For these reasons, the Board's denial of AD to Lawrence should be affirmed and her appeal should be dismissed.

Respectfully submitted,

Police and Firemen's Retirement  
System of New Jersey

By: /s/ Thomas R. Hower  
Thomas R. Hower  
Staff Attorney  
No. 024151995

c: Lisa Pointer, Board Secretary (via email)  
Susan Barrett, Assistant Board Secretary (via email)  
Samuel M. Gaylord, Esq. (via E-Courts)