

**NOT FOR PUBLICATION WITHOUT THE  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-1128-16T3

LUIS A. TORRES,

Appellant,

v.

NEW JERSEY DEPARTMENT  
OF CORRECTIONS,

Respondent.

---

Submitted February 6, 2018 – Decided March 9, 2018

Before Judges Hoffman and Gilson.

On appeal from the New Jersey Department of  
Corrections.

Luis A. Torres, appellant pro se.

Gurbir S. Grewal, Attorney General, attorney  
for respondent (Jason W. Rockwell, Assistant  
Attorney General, of counsel; Kai W. Marshall-  
Otto, Deputy Attorney General, on the brief).

PER CURIAM

Appellant Luis Torres, an inmate at East Jersey State Prison,  
appeals from a September 29, 2016 Department of Corrections (DOC)

final agency decision denying his claim for reinstatement to his previous work assignment in the prison kitchen. We affirm.

On March 3, 2016, the DOC conducted a search of all kitchen workers, including Torres. The DOC used an ion scan to detect the presence of controlled dangerous substances (CDS) on the hands and clothing of workers. Torres tested positive for CDS on the ion scan; however, a subsequent urine test came back negative, and a search of his property found no CDS.

Effective March 4, 2016, the DOC reassigned Torres from food services to a building sanitation assignment. Torres alleges the DOC reassigned him because of the positive ion scan. Torres filed a grievance with the DOC challenging his reassignment from kitchen duty. On September 29, 2016, the DOC issued a final agency decision denying the grievance. The DOC explained, "Inmates do not have a right to obtain or to remain in a particular job assignment. Inmates are routinely reassigned as it pertains to the security and operational needs of the facility."

On appeal, Torres argues his reassignment violated his due process rights, asserting the DOC decision was arbitrary and capricious. He seeks an order reinstating him to the kitchen assignment and awarding back pay and work credits retroactive to the date of termination.

"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) (citation omitted). 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) (citing Univ. Cottage Club of Princeton N.J. Corp. v. N.J. Dep't of Env'tl. Prot., 191 N.J. 38, 48 (2007)). "An appellate court will not reverse an agency's final decision unless the decision is 'arbitrary, capricious, or unreasonable . . . .'" Ibid. (quoting Univ. Cottage Club, 191 N.J. at 48).

Moreover, inmates do not possess a liberty or property interest in a job assignment. Lorusso v. Pinchak, 305 N.J. Super. 117, 118 (App. Div. 1997) (affirming the denial of retroactive work credits and wages for a delay in assigning a prisoner to employment). An "inmate has 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." Ibid. While inmates may believe the DOC will not change work assignments absent misconduct, "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).

Here, Torres claims the DOC arbitrarily terminated his kitchen work assignment following the ion scan results. However, Torres has no constitutionally enforceable right to a particular prison work assignment, and such work assignments are within the sound discretion of the DOC. The record shows the DOC reviewed the work assignment status of certain inmates, and determined it appropriate to reassign Torres and other inmates out of the kitchen detail. Notwithstanding this reassignment, Torres remains eligible to reapply for the kitchen assignment.

The decision to reassign Torres did not deprive him of a fundamental liberty or property interest. Nor do we find the decision 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