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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-5046-15T3

SHAMSIDDIN ABDUR-RAHEEM,

Appellant,

v.

NEW JERSEY DEPARTMENT
OF CORRECTIONS,

Respondent.

Submitted January 30, 2018 - Decided February 14, 2018

Before Judges Reisner and Mayer.

On appeal from the New Jersey Department of
Corrections.

Shamsiddin Abdur-Raheem, appellant pro se.

Gurbir S. Grewal, Attorney General, attorney
for respondent (Melissa Dutton Schaffer,
Assistant Attorney General, of counsel;
Christopher C. Josephson, Deputy Attorney
General, on the brief).

PER CURIAM

Appellant Shamsiddin Adbur-Raheem appeals from a final agency
decision of respondent New Jersey Department of Corrections

(Department) imposing disciplinary sanctions against him pursuant to N.J.A.C. 10A:4-7.3. We remand to the Department for reconsideration and factual findings supporting its decision.

Appellant is an inmate at New Jersey State Prison (NJSP) where he is serving a term of life imprisonment. Appellant challenges the Department's issuance of an On-the-Spot-Correction (OTSC) for committing prohibited act *.256, refusal to obey an order of a staff member. The OTSC was issued to appellant for refusing to back away from his cell's food port when his food tray was being delivered. A conference was held with a Department shift advisor, at which time appellant was permitted to review the OTSC disciplinary report, discuss the violation, present arguments, and challenge any sanction imposed. Appellant was adjudicated guilty at the conference and sanctioned with a loss of recreational privileges for five days.

We are constrained to remand this matter to the Department for reconsideration, because the agency did not meaningfully or sufficiently explain why it adjudicated appellant guilty of committing prohibited act *.256 and why the sanction imposed was appropriate.

Ordinarily, our review of an agency decision is deferential. See E. Orange Bd. of Educ. v. N.J. Sch. Constr. Corp., 405 N.J. Super. 132, 143-44 (App. Div. 2009). "However, the exercise of

such deference is premised on our confidence that there has been a careful consideration of the facts in issue and appropriate findings addressing the critical issues in dispute." Bailey v. Bd. of Review, 339 N.J. Super. 29, 33 (App. Div. 2001); see also N.J. Bell Tel. Co. v. Commc'ns Workers, 5 N.J. 354, 374-79 (1950).

In this case, the Department's failure to provide an explanation in support of its decision sufficient for meaningful appellate review requires that we remand this matter to the agency for reconsideration and a more complete decision. In remanding, we infer no view as to the outcome of the proceedings on remand.

Remanded. We do not retain jurisdiction.

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



CLERK OF THE APPELLATE DIVISION