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**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0831-21**

CHRISTOPHER CASTLES,

Petitioner-Appellant,

v.

**BOARD OF TRUSTEES,
POLICE AND FIREMEN'S
RETIREMENT SYSTEM,**

Respondent-Respondent.

Argued May 30, 2023 – Decided June 7, 2023

Before Judges Haas and Mitterhoff.

On appeal from the Board of Trustees of the Police and Firemen's Retirement System, Department of the Treasury, PFRS No. xx5379.

Samuel M. Gaylord argued the cause for appellant (Szaferman Lakind Blumstein & Blader, attorneys; Samuel M. Gaylord, on the brief).

Juliana C. DeAngelis, Legal Counsel, argued the cause for respondent (Robert S. Garrison, Jr., Director of Legal Affairs, attorney; Juliana C. DeAngelis, on the brief).

PER CURIAM

Appellant Christopher Castles appeals from the October 5, 2021 final administrative decision of the Board of Trustees, Police and Firemen's Retirement System (Board) denying his application for accidental disability benefits. We affirm.

Appellant worked for the Department of Corrections as a Senior Corrections Officer. His job duties included responding to emergencies, maintaining inmate discipline, and preventing serious disturbances, riots, and escape attempts. In the event of an emergency, a "code" was called and appellant was responsible for running to the scene of the disturbance in order to quell it.

On November 1, 2013, appellant "responded to a Code 33 that was called in the admissions discharge area." Appellant ran to that area and "saw an inmate on the ground fighting with a fellow officer. Three other officers were already there and four more were coming behind him."

Appellant described what followed:

At that point, the inmate was taken to the floor. I dropped down to my knee.^[1] He was continuing to

¹ After the incident, appellant told an officer who was completing an accident investigation report that "[i]n the process of applying his [handcuffs] on the combative inmate, [appellant] planted his right knee on the concrete floor and

struggle. He wouldn't give his hands up to be restrained with handcuffs. I managed to get his one arm free and put a handcuff on his one arm. I could not get his other hand. He was still struggling with the other officers to give it up. I actually laid on my stomach because I couldn't get underneath the officer who was on top of him at first. And I held the one hand that was handcuffed, waiting for the other hand. When – when it freed, we got the other cuff on his other hand and restrained the inmate.

Appellant was the only officer who had handcuffs. As the other officers were assisting appellant, one of them fell and landed on appellant. The officers lifted the inmate up and secured him. As appellant began to walk away, his "legs locked up" and he "couldn't walk and . . . had a lot of pain in [his] lower back and leg."

Appellant applied for accidental disability retirement benefits. The Board denied the application because the November 1, 2013 incident was not "undesignated or unexpected."² Appellant asked for a hearing and the Board transmitted the matter to the Office of Administrative Law.

After hearing the testimony and reviewing the documentary evidence, the Administrative Law Judge (ALJ) agreed with the Board that appellant's

heard a pop [and] he immediately felt extreme pain in his right knee, right side of his hip, and lower back.

² The Board also found that appellant's disability was not the direct result of the November 1, 2013 incident.

disability was not an undesigned and unexpected traumatic event. The ALJ found that appellant gave a credible account of the incident, but presented no evidence that an "unexpected happening" occurred. Instead, the ALJ concluded the record demonstrated that appellant "sustain[ed] a lower back [injury] while intentionally struggling to handcuff an inmate" and such an injury "is not extraordinary."³ The ALJ therefore affirmed the Board's initial denial of appellant's application for accidental disability retirement benefits.

After reviewing the record, the Board adopted the ALJ's decision. This appeal followed.

On appeal, appellant argues that "the PFRS Board improperly determined that [he] is not entitled to an accidental disability pension because the incident causing his disability was undesigned and unexpected." We disagree.

Our review of an administrative agency determination is limited. Russo v. Bd. of Trs. Police & Firemen's Ret. Sys., 206 N.J. 14, 27 (2011). Appellate courts will sustain an agency's final decision "unless there is a clear showing that it is arbitrary, capricious, or unreasonable, or that it lacks fair support in the record." Mount v. Bd. of Trs. Police & Firemen's Ret. Sys., 233 N.J. 402, 418

³ Although the incident was not a traumatic event, the ALJ found that appellant's disability was the direct result of the incident.

(2018) (quoting Russo, 206 N.J. at 27). In determining whether an agency's decision is arbitrary, capricious, or unreasonable, we examine: (1) whether the agency's decision conforms with relevant law; (2) whether the decision is supported by substantial credible evidence in the record; and (3) whether in applying the law to the facts, the "agency clearly erred in reaching [its] conclusion." In re Stallworth, 208 N.J. 182, 194 (2011) (quoting In re Carter, 191 N.J. 474, 482-83 (2007)).

An appellate court is not, however, bound by an agency's statutory interpretation or other legal determinations, which we review de novo. Mount, 233 N.J. at 418-19. Nevertheless, we generally accord "substantial deference to an agency's interpretation of a statute that the agency is charged with enforcing." Richardson v. Bd. of Trs., Police & Firemen's Ret. Sys., 192 N.J. 189, 196 (2007). "Such deference has been specifically extended to state agencies that administer pension statutes[,] because "a state agency brings experience and specialized knowledge to its task of administering and regulating a legislative enactment within its field of expertise." Piatt v. Police & Firemen's Ret. Sys., 443 N.J. Super. 80, 99 (App. Div. 2015) (quoting In re Election Law Enf't Comm'n Advisory Op. No. 01-2008, 201 N.J. 254, 262 (2010)).

Appellant is a member of the PFRS. See N.J.S.A. 43:16A-1 to -68. That pension plan grants accidental disability retirement benefits if "the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his [or her] regular or assigned duties." N.J.S.A. 43:16A-7(a)(1). A claimant seeking accidental disability retirement benefits must prove five elements:

1. that he [or she] 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 [or her] usual or any other duty.

[Richardson, 192 N.J. at 212-13; See also N.J.S.A. 43:16A-7(a)(1).]

To be traumatic, an event must be "undesigned and unexpected." Richardson, 192 N.J. at 212. "The polestar of the inquiry is whether, during the regular performance of his [or her] 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.

Here, the ALJ found that there was no evidence of "an unexpected happening." In that regard, the ALJ noted that appellant credibly testified that he was responsible for responding to emergencies involving serious disturbances, riots, and escape attempts by inmates. Appellant was injured doing exactly what he intended to do and there was no evidence that the injury he sustained resulted from an "unanticipated mishap." Id. at 213. Given our limited standard of review, we discern no basis to disagree with the factual findings made by ALJ, which were adopted by the Board, or the Board's legal conclusion that appellant had not established that he was entitled to accidental disability retirement benefits.

Appellant argues that his case is similar to Richardson, Moran v. Board of Trustees, Police & Firemen's Retirement System, 438 N.J. Super. 346 (App. Div. 2014), and Brooks v. Board of Trustees, Public Employees Retirement System,

425 N.J. Super. 277 (App. Div. 2012). However, these cases are all readily distinguishable from the matter at hand.

In Richardson, a corrections officer was injured while attempting to subdue an inmate. 192 N.J. at 193. The officer had straddled the inmate to hold him down. Ibid. The inmate continued to kick, punch, and throw his body around, and eventually pulled himself loose. Ibid. The inmate then forcefully jerked up from the ground and knocked the officer backward, injuring him. Ibid. The Court concluded the officer's injury was caused by a traumatic event because the event "was (a) identifiable as to time and place; (b) unexpected and undesigned; and (c) not caused by a pre-existing condition . . . alone or in combination with work effort." Id. at 214-15.

In Moran, a firefighter was injured after kicking down a door to a burning building because he heard voices yelling from inside. 438 N.J. Super. at 349-50. The firefighter was part of the "engine company" that brought hoses to burning buildings and not part of the "truck company" that brought equipment used to forcibly enter those buildings. Id. at 349. The "truck company" was running late so the firefighter attempted to rescue the people inside the building despite not having the proper equipment. Id. at 354. We concluded the firefighter's injury was caused by an undesigned and unexpected event because

the firefighter faced unusual circumstances, including the presence of victims inside the burning building, the "truck company's" delay, and the lack of equipment to break down the door. Ibid.

Finally, in Brooks, a school custodian suffered a shoulder injury while he and a group of students were moving a 300-pound weight bench. 425 N.J. Super. at 279-80. The custodian was injured when the students dropped the bench. Ibid. We reversed the Board's determination that the event was not undesigned and unexpected because moving the bench was not part of the custodian's regular job duties and the students who he was attempting to help suddenly dropped it. Id. at 283.

Here, and unlike in Richardson, Moran, and Brooks, appellant's injury did not result from an unexpected happening. He did not face unusual circumstances like in Moran and Brooks; nor did he suffer from an unintended mishap like in Richardson. Appellant also did not lack specialized equipment he would have ordinarily had access to while handcuffing the inmate.

In sum, the Board's finding that appellant's injury was not the direct result of a traumatic event that was undesigned and unexpected was supported by credible evidence in the record and 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

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