



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Alfonso Samayoa,
Ann Klein Forensic Center,
Department of Health

Request for Reconsideration

CSC Docket No. 2021-376

ISSUED: MAY 3, 2021 (HS)

Alfonso Samayoa petitions the Civil Service Commission (Commission) for reconsideration of the attached final decision rendered on August 19, 2020, which upheld his removal. That decision is incorporated herein.

As background, the appointing authority removed the petitioner, a Senior Medical Security Officer, effective October 26, 2015, on charges of conduct unbecoming a public employee; physical or mental abuse of a patient, client, or resident; and inappropriate physical contact or mistreatment of a patient, client, resident, or employee. Specifically, the appointing authority asserted that on September 4, 2015, the petitioner, in the first incident, restrained patient A.L. using an unapproved restraint technique. In a second incident that same day, the petitioner rushed the patient, grabbing him and restraining him against the wall.

Upon the petitioner’s appeal, the matter was transmitted to the Office of Administrative Law for a hearing as a contested case. After the hearing, the Administrative Law Judge (ALJ) determined that the appointing authority had met its burden of proof with regard to the charges. In her initial decision, the ALJ stated that the key evidence included witness testimony and videos of the two incidents. As to the first incident, the ALJ found that the video supported the appointing authority’s assertion that the petitioner used an unapproved hold in his restraint on A.L. Specifically, as A.L. is seen with his arms at his side, the petitioner reaches toward him, placing his right arm at the back of A.L.’s neck and encircling him with

his right arm around the neck. As he moves behind A.L., the petitioner brings him back by pulling on his neck and continues his grip as A.L. goes to the floor. The ALJ stated that in addition to the video, Susan Hildebrandt, an investigator in the Department of Human Services' (DHS) Office of Program Integrity,¹ and Sandi Ferguson, Director of Staff Development, presented credible testimony that the hold used by the petitioner on the video was unapproved. The ALJ stated that while the petitioner may have been the recipient of A.L.'s threats and abusive words, he chose not to deescalate the situation or allow A.L. to leave the recreational room. Regarding the second incident, the ALJ found that the petitioner's contention that A.L. needed to be restrained and was a threat "[rang] hollow." In this regard, the video showed the petitioner coming out from the recreational room door rushing to restrain A.L. when A.L. was not an immediate threat to him. There was distance between the two during A.L.'s walk down the hallway and any abusive language or threats by A.L. toward the petitioner at that point did not warrant physical intervention. Other officers were on duty in the hallway and apparently saw no need to restrain A.L. The ALJ found that at that point, the petitioner could have simply gone back to his duty station in the recreational room as a means of defusing whatever was upsetting the patient. The ALJ stated that he chose not to do so despite the training that he received and that both Hildebrandt and Ferguson said would have obviated a need for physical contact. The ALJ upheld the penalty of removal. Upon its *de novo* review of the record, the Commission accepted and adopted the ALJ's initial decision in full.

In his request for reconsideration, the petitioner states that according to DHS guidelines, abuse is to bite, pinch, strike, slap, push, drag, or kick a patient or staff member, but he took none of those actions. The petitioner acknowledges that he restrained A.L. in a hold that was "not a taught maneuver," but he denies that there was any choking, inappropriate physical contact, physical abuse, or attempt at physical abuse. He claims that A.L. admitted that after the petitioner attempted to redirect A.L. multiple times, A.L. became the aggressor. The petitioner maintains that he was concerned for his and other patients' safety as A.L. is a violent offender well-known to attack staff and other patients. Concerning the second incident, the petitioner states that he restrained A.L. because A.L. took three steps toward him and spat at him, "which is an assault charge." The petitioner states that not long after, on October 14, 2015, A.L. assaulted a staff member. As to the penalty, the petitioner claims that a recommendation had been made to retrain, not remove, him. The petitioner contends that removal is unjust given his positive work history and lack of disciplinary history.

The appointing authority was provided the opportunity to submit additional information but did not do so.

¹ At the time relevant to this matter, the Ann Klein Forensic Center was part of DHS. It later moved to the Department of Health.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding that would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. A review of the record reveals that reconsideration is not justified.

At the outset, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 *N.J.* 108 (1997). “[T]rial courts’ credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record.” *See also, In re Taylor*, 158 *N.J.* 644 (1999) (quoting *State v. Locurto*, 157 *N.J.* 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations.

In the instant matter, the ALJ found the appointing authority’s witnesses, namely Hildebrandt and Ferguson, more credible than the petitioner. The petitioner has presented no substantive evidence that establishes that the ALJ’s assessment of the credibility of the witnesses or her findings and conclusions based on those assessments were in error. For example, the petitioner argues that guidelines prohibited biting, pinching, striking, slapping, pushing, dragging, or kicking patients or staff but that he took none of these actions. However, the petitioner has not established that this constituted an exhaustive list of prohibited actions. Moreover, the ALJ found that Hildebrandt and Ferguson credibly testified that the petitioner used an unapproved hold on A.L. As such, it was, in itself, inappropriate physical contact of a patient. The petitioner even acknowledges here that the hold he used was “not a taught maneuver.” With respect to the second incident, the petitioner argues that he restrained A.L. because A.L. took three steps toward him and spat at him. This argument too is unpersuasive because it does not call into question the ALJ’s findings, based on video evidence, that there was enough distance between the two such that A.L. was not an immediate threat requiring physical intervention and that the petitioner could have defused the situation by returning to his duty station. Further, that A.L. may have engaged in violent conduct before and after the specific incidents at issue here does not relieve the petitioner from responsibility for *his own* conduct.

The petitioner’s contention that removal was unjust given his positive work history and lack of disciplinary history is also unpersuasive. In determining the

proper penalty, the Commission's review was *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. Moreover, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not "a fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007). In this regard, in *In the Matter of Tammy Herrmann*, 192 N.J. 19 (2007), the New Jersey Supreme Court upheld the removal of Herrmann, a Family Service Specialist Trainee with the Department of Youth and Family Services, who, during an investigation of alleged child abuse, flicked a lighted cigarette lighter in front of a special needs child. Herrmann had been employed for approximately six months at the time of the incident and had no prior discipline but her conduct "divested her of the trust necessary for her position" and "progressive discipline [was not] appropriate in this matter." *Id.* at 38.

In the instant matter, the petitioner was responsible for a vulnerable population and held a position of trust, *i.e.*, the maintenance of a safe environment for patients needing psychiatric care. The incidents in question clearly demonstrated the petitioner's lack of judgment. The Commission recognizes the seriousness of the appellant's misconduct and the risk it posed to the patient. As a public employee, the petitioner's interactions with the patient should have been above reproach. Removal was appropriate.

Accordingly, the petitioner has not presented a sufficient basis for the Commission to reconsider its prior decision.

ORDER

Therefore, it is ordered that this request for reconsideration be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 28th DAY OF APRIL, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

- c. Alfonso Samayoa
Kristin Hunt
Christopher Hamner, Deputy Attorney General
Division of Agency Services
Records Center



STATE OF NEW JERSEY

In the Matter of Alfonso Samayoa
Ann Klein Forensic Center,
Department of Health

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC DKT. NO. 2016-3503
OAL DKT. NO. CSV 05869-16

ISSUED: AUGUST 19, 2020 BW

The appeal of Alfonso Samayoa, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Health, removal effective October 26, 2015, on charges, was heard by Administrative Law Judge Patricia M. Kerins who rendered her initial decision on July 9, 2020. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of August 19, 2020, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Alfonso Samayoa.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF AUGUST, 2020

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 05869-16
AGENCY DKT. 2016-3503

**IN THE MATTER OF ALFONSO SAMAYOA,
ANN KLEIN FORENSIC CENTER, DEPARTMENT
OF HUMAN SERVICES.**

Jeffrey Ziegelheim, Esq., for appellant Alfonso Samayoa (Alterman and Associates, LLC, attorneys)

Christopher Hamner, Deputy Attorney General, for respondent Department of Human Services (Gurbir S. Grewal, Attorney General of New Jersey, attorney)

Record Closed: May 1, 2018

Decided: July 9, 2020

BEFORE PATRICIA M. KERINS, ALJ:

STATEMENT OF THE CASE

Respondent Anne Klein Forensic Center (Anne Klein), Department of Human Services (DHS) removed appellant, Alfonso Samayoa (Samayoa), from his position of Medical Security Officer (MSO) for assaulting a patient. Samayoa denies that he engaged in such conduct and appeals his removal.

PROCEDURAL HISTORY

On March 2, 2016, Anne Klein, a psychiatric treatment facility within the Department of Human Services (DHS), filed a Final Notice of Disciplinary Action (FNDA) against Samayoa removing him from his position effective October 26, 2015, based on offenses related to the physical abuse of a patient. The specifications in the FNDA are as follows:

Based on a recently completed investigation and a video review it has been determined that on 9/4/15 while assigned to the rehab area you restrained patient A.L. in an inappropriate manner using an unapproved restraint technique which could have caused injury to the patient. A.L. was then removed from the area and placed in the quiet room momentarily before being returned to his Unit in the Gym. As the Unit walked past you as you were in the Unity Room you rushed the patient grabbing him and restraining him against the wall. These actions were unwarranted, inappropriate and could have caused injury to the patient. (R-2)

Based on those specifications, respondent sustained charges against appellant as follows:

N.J.A.C. 4A 2-2.3(a) 6 conduct unbecoming an employee. A.O. 4:08 C3 Physical or mental abuse of a patient, client or resident. A.O. C5 inappropriate physical contact or mistreatment of a patient, client, resident or employee. (R-2)

By letter of March 29, 2016, Samayoa appealed that decision, and on April 5, 2016, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case pursuant to N.J.S.A. 11A:1-1 through 12.6 and N.J.S.A. 52:14B-2(b). Telephonic prehearing conferences were held on May 5 and November 11, 2016. The matter was heard on December 14 and 20, 2016, and December 6, 2017, at the OAL in Mercerville, New Jersey. The record remained open for post hearing submissions by the parties. The record closed on May 1, 2018 and extensions were granted for the filing of the Initial Decision.

FINDINGS OF FACT

General Background Facts

Appellant Samayoa had been employed by DHS at its Anne Klein facility since 2012 as an MSO. Anne Klein is a psychiatric treatment facility operated by DHS, with a population made up of adults needing psychiatric care. MSOs are responsible for the oversight of patients, including the maintenance of a safe environment for the patients and staff. They do not carry arms and are trained in specific physical control techniques.

On September 4, 2015, Samayoa was assigned to the Unity Room, a multi-purpose recreational room for patients at the facility. As part of his training he had received instruction in the handling of difficult patients and the de-escalation of situations. On that day A.L. was a patient at the facility and on that morning, he lodged a complaint against Samayoa. This disciplinary action arises out of the incidents on that day which formed the basis of the complaint by A.L.

Incidents of September 4, 2015

In support of its case, respondent presented the testimony of Susan Hildebrandt (Hildebrandt), an investigator with DHS' - Office of Program Integrity, Sandi Ferguson (Ferguson), Director of Staff Development at Anne Klein and Hector Figueroa (Figueroa), a program specialist for medical security at the facility. Respondent also placed in evidence exhibits R-1 through R-9 which included footage from security cameras in the areas of the incidents (R-4 and 5).

Hildebrandt testified to her more than thirty-year career at DHS in various positions and her experience in investigating claims of patient abuse at Anne Klein. She was familiar with A.L. as he had made allegations of abuse by staff on previous occasions. When he made his complaint regarding Samayoa's actions of September 4, 2015, she was assigned to investigate. As part of her investigation she interviewed A.L. and reviewed security camera tapes of their interactions that day. Two videos were entered into evidence (R-4 and R-5) from various surveillance cameras at the facility and were

viewed at the hearing. In her testimony Hildebrandt reviewed the incidents depicted on the video and her subsequent investigation into Samayoa's actions.

The first video (R-5) showed the Unity Room in the rehabilitation area of the facility. It is a large open room where staff and patients interact. In the video A.L. is first shown in the lower right. At around 10:58 a.m. the video shows A.L. attempting to go through a door and a scuffle with Samayoa ensues. Samayoa is then behind A.L. with his arms around his neck in what appears to be a choke hold and which Hildebrandt described as a "half nelson." A.L. then falls backward toward him. Hildebrandt testified that the hold which Samayoa used on A.L. was not one which should have been used and that abuse of A.L. was substantiated.

She then reviewed the second incident as pictured on the video marked R-4. After the first incident that morning, A.L. was taken to the "quiet room" down the hall from the Unity Room and then to the gym. Shortly thereafter, the video shows A.L. in the hallway outside the Unity Room, lined up with other patients along the opposite wall. A.L. passes the Unity Room door and looks over at it, stepping to the center of the hallway but stopping with his hands at his side. Samayoa then comes out from the Unity Room door and moves quickly to A.L. as A.L. turns his back on him. As Samayoa gets to A.L., he puts his right wrist to the patient's throat. Samayoa then holds A.L. from behind with his arms covering A.L.'s chest, pulling back on him. They then leave the screen. During the video as A.L. moves to the center of the hall, another officer on duty in the hall makes no move toward A.L., or to restrain him. Hildebrandt testified that Samayoa's action constituted patient abuse and that there was no reason for him to initiate physical contact with A.L.

Respondent then presented the testimony of Ferguson, a longtime employee at Anne Klein and presently its Director of Staff Development. She testified as to the defense and control techniques used at the facility, in which its personnel are trained. Detailing the allowed techniques, she described holds such as the arm and body control holds. She emphasized that a staff member placing hands too high on a patient could impede breathing, with holds in the upper body, neck and chest area creating a danger of asphyxiation. Holds should be below the diaphragm with the staff member adjusting the hold if resistance is encountered. She testified that in her review of the video of the

first incident in the Unity Room, Samayoa did not use approved holds on A.L. Ferguson further testified that MSOs are taught to first attempt to defuse a situation and that if A.L. insisted on leaving the Unity Room, an officer in the hallway could then deal with the situation. She admitted that Advanced Emergency Holds could be used in certain dangerous situations. On cross-examination she allowed that A.L. was known to spit on staff.

Figueroa also testified on behalf of respondent. Employed at Anne Klein over twenty-three years, he supervises the MSOs and oversees the Medical Security Department. He described the duties of an MSO and explained that it was only appropriate to restrain a patient when he or she presented a danger to themselves or others. Having reviewed the videos of the incidents at hand, he agreed with Hildebrandt's conclusions that patient abuse had occurred.

In response to Anne Klein's case, appellant presented the testimony of Samayoa. He reviewed his duties as a MSO and the training he received. He then testified regarding the incidents viewed on the videos. He described A.L. as an unpredictable patient, given to verbal outbursts and tantrums. Samayoa stated that he had prior interactions with A.L. and had gone "hands on" with him previously after attempts to verbally de-escalate had not worked. In reviewing the first incident in the Unity Room, Samayoa testified that A.L. was trying to leave the room when he was not allowed. When he told him, he could not do so, A.L. began to curse at him and threaten him. As A.L. attempted to push through, Samayoa said he redirected him back by picking him up and putting him back in the room. A.L. then continued threatening him and using racial slurs toward him. When A.L. made a gesture to spit at him and brought his hands up, he went "hands on" with him. As he restrained him, he said A.L. pretended to faint and he guided him to the ground. As he got back up Samayoa said A.L. attempted to assault him. He and another officer then got A.L. to the "quiet room" and Samayoa said he returned to the Unity Room.

Samayoa then testified to his recollection of the second incident. He stated he was in the Unity Room and patients were moving down the hall from the gym. He saw A.L. in the hall, verbally threatening him and using hand gestures toward him. As he passed the door A.L. turned toward him and threatened to spit on him. Samayoa testified

that as A.L. came toward him he left the Unity Room door to restrain him. As he tried to restrain him, he said A.L. became combative and he tried to guide him toward the wall. He denied punching, kicking or beating him.

When the testimony of witnesses is in disagreement, it is the obligation and responsibility of the trier of fact to weigh the credibility of the witnesses in order to make factual findings. In determining whether respondent has proven by a preponderance of the evidence that Samayoa used an unapproved hold and abused a patient, and, therefore, warrants removal from his position, it is necessary to assess the credibility of the witnesses in light of their testimony, as well as in the context of the other evidence in the record. Credibility is the value that a fact finder gives to the testimony of a witness. It envisions an overall assessment of the story of a witness in light of its rationality, internal consistency, and manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718 (9th Cir., 1963). It has been defined as testimony, which must proceed from the mouth of the credible witness and must be such as our common experience, knowledge, and common observation can accept as probable under the circumstances. State v. Taylor, 38 6, 24 (App. Div. 1955); see also, Gilson v. Gilson, 116 N.J. Eq. 556, 560 (E. & A. 1934). Credibility, or more specifically, credible testimony, in turn, must not only proceed from the mouth of a credible witness, but it must be credible in itself as well. Spagnulo v. Bonnet, 16 N.J. 546, 554-55 (1954). A fact finder is expected to base decisions on credibility on his or her common sense, intuition or experience. Barnes v. United States, 412 U.S. 837 (1973). Credibility does not depend on the number of witnesses, and the finder of fact is not bound to believe the testimony of any witness. In re Perrone, 5 N.J. 514 (1950).

In this matter key evidence is not only the testimony of the witnesses, but the actions shown on the videos of the two incidents. As to the first incident the video supports respondent's assertion that Samayoa used an unapproved hold in his restraint on A.L. As the patient is seen with his arms at his side, appellant reaches toward him, placing his right arm at the back of A.L.'s neck, encircling him with his right arm around the neck. As he moves behind A.L., Samayoa brings him back by pulling on his neck and continues his grip as A.L. goes to the floor (R-5, Cameras 21 and 22). In addition to the video, Hildebrandt and Ferguson presented credible testimony corroborating that the hold

used by Samayoa on the video was an unapproved one. While Samayoa may have been the recipient of A.L.'s threats and abusive words, he chose not to de-escalate the situation or allow A.L. to leave the room as he could have done, but rather responded with the use of an unapproved hold.

With regard to the second incident, Samayoa's contention that A.L. needed to be restrained and was a threat to him rings hollow. The video (R-4) shows appellant coming out from the Unity Room door rushing to restrain A.L. when the patient was not an immediate threat to him. There was distance between the two during A.L.'s walk down the hallway and any abusive language or threats by A.L. toward Samayoa at that point did warrant physical intervention. Other officers were on duty in the hallway and apparently saw no need to restrain A.L. At that point Samayoa could have simply gone back to his duty station in the Unity Room as a means of defusing whatever was upsetting the patient. He chose not to do so despite the training which he had received, and which both; Hildebrandt and Ferguson said would have obviated a need for physical contact.

Base on the record as a whole, I **FIND** that appellant used an inappropriate hold on A.L. as he attempted to exit the Unity Room and I further **FIND** that appellant physically assaulted A.L. in the hallway outside the Unity Room later that morning.

DISCIPLINARY HISTORY

As set forth on the record and stipulated to by the parties, appellant has no disciplinary infractions on his record.

LEGAL DISCUSSION

The Civil Service Act and the regulations promulgated thereunder, govern the rights and duties of public employees. N.J.S.A. 11A:1-1 to 12-6; N.J.A.C. 4A:1-1.1 to 4A:10-3.2. An employee who engages in misconduct related to his or her duties, or who gives other just cause, may be subject to major discipline. N.J.S.A. 11A:1-2(b), 11A:2-6, 11A:2-20; N.J.A.C. 4A:2-2.2, -2.3(a). When an employee appeals from a disciplinary action or ruling by an appointing authority, the burden of proof is on the appointing

authority to show that the removal of appellant was justified. N.J.S.A. 11A:2.21; N.J.A.C. 4A:2-1.4(a). That burden is to establish by a preponderance of the competent, relevant, and credible evidence, that the employee is guilty as charged. Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550 (1982).

In this matter, respondent Anne Klein has met its burden of proving the allegations against Samayoa¹. Of the two opposing versions of the alleged incident which led to the charges, I determine Anne Klein's version, in light of all the evidence, to be the credible one. I therefore **CONCLUDE** that Anne Klein has met its burden of proof that Samayoa's actions constituted conduct unbecoming an employee and patient abuse. Further those actions warranted removal. The penalty requested by Ann Klein for his infractions is removal as set forth in its policy on the abuse of patients. Despite Samayoa's clean disciplinary record, his removal is warranted under the facts of the two incidents and the policy asserted by DHS.

ORDER

It is **ORDERED** that appellant's removal from his position is upheld and his appeal is dismissed.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

¹ In its opening statement and post-hearing submission, appellant argues for the application of the "forty-five day" rule to the charges against Samayoa. That rule applies to law enforcement officers and is not applicable here as there is not sufficient authority, statutory or otherwise, to hold it applies to unarmed MSOs.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



July 9, 2020
DATE

PATRICIA M. KERINS, ALJ

Date Received at Agency:

July 9, 2020 (emailed)

Date Mailed to Parties:

/mel

WITNESSES

For Petitioner:

Alfonso Samayao

For Respondent:

Susan Hildebrandt

Sandi Ferguson

Hector Figueroa

EXHIBITS

For Petitioner:

- P-1 Policy on Quiet Room
- P-2 Inv. Hildebrand Video Notes
- P-3 Statement, Alphonso Samayoa
- P-4 Statement, Patient
- P-5 Statement, Officer Davis
- P-6 Statement, Officer McQuiller (phonetic)
- P-7 Statement, Officer Ware (phonetic)
- P-8 Statement, Officer Taylor
- P-9 Statement, Officer Thomas

For Respondent:

- R-1 Preliminary Notice of Disciplinary Action dated October 23, 2015
- R-2 Final Notice of Disciplinary Action dated March 21, 2016
- R-3 DHS Administrative Order 4:08-C3

- R-4 Video – Quiet Room/Hallway Incident
- R-5 Video – Unity Room Incident
- R-6 Hildebrandt Report/Interview and Statements
- R-7 Ann Klein Police 204, Personal Defensive and Control Techniques in Aggressive Patient Situations and Emergencies dated October 2015
- R-8 Training Transcript of A. Samayoa, dated December 11, 2015
- R-9 Investigative Report of S. Hillebrand dated September 28, 2015