

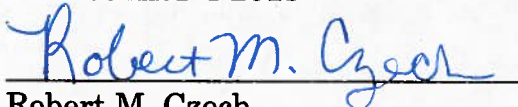
ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was not justified. The Commission therefore reverses that action and grants the appeal of Aaron Dartee. The Commission further orders that appellant be granted back pay, benefits, and seniority for the period of separation to the actual date of reinstatement. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C. 4A:2-2.10*. Proof of income earned shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

The Commission further orders that counsel fees be awarded to the attorney for appellant pursuant to *N.J.A.C. 4A:2-2.12*. An affidavit of services in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. Pursuant to *N.J.A.C. 4A:2-2.10* and *N.J.A.C. 4A:2.12*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay and counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay or counsel fee dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay and counsel fees within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to *R. 2:2-3(a)(2)*. After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
FEBRUARY 4 2015



Robert M. Czech

Chairperson

Civil Service Commission



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 03717-14

AGENCY DKT. NO. 2014-2063

**IN THE MATTER OF AARON DARTEE,
DEPARTMENT OF HUMAN SERVICES,
NEW LISBON DEVELOPMENTAL CENTER.**

Nancy Mahony, Esq., for appellant Aaron Dartee

Christopher M. Kurek, Deputy Attorney General, for respondent Department of Human Services, New Lisbon Developmental Center (John J. Hoffman, Acting Attorney General of New Jersey, attorney)

Record Closed: September 22, 2014

Decided: December 22, 2014

BEFORE JOSEPH A. ASCIONE, ALJ:

STATEMENT OF THE CASE

Aaron Dartee appeals his May 15, 2013, termination by New Lisbon Developmental Center (NLDC) for an alleged altercation with a patient, R.R. Dartee disputes the charges and maintains that he intervened in an altercation between patients and roommates R.R. and A.W. R.R. suffered facial injuries when he fell during the intervention and his head made contact with a radiator in his room.

PROCEDURAL HISTORY

By Preliminary Notice of Disciplinary Action (PNDA) dated May 10, 2013, NLDC charged appellant with violation of N.J.A.C. 4A:2-3(a)(6), conduct unbecoming a public employee, and N.J.A.C. 4A:2-3(a)(12), other sufficient cause, specifically, violation of Supplement 1, of Administrative Order 4.08 of the Department of Human Services Disciplinary Action Program, C. 3-1, physical abuse of a client; C. 5-1, inappropriate physical contact or mistreatment of a client; C. 8-1, falsification, intentional misstatement of material fact in connection with work, employment, application, attendance, or in any record, report, investigation or other proceeding; and E.1-1, violation of a rule, regulation. NLDC suspended appellant with pay pending the outcome of a pretermination hearing.

The departmental hearing was held on August 8, 2013, and a Final Notice of Disciplinary Action (FNDA) dated September 13, 2013, sustaining the charges and removing appellant from employment effective May 15, 2013, was mailed to appellant. It appears that Dartee did not receive the FNDA until March 10, 2014, as his employer had not sent it to the correct address. On March 21, 2014, Dartee filed a notice of appeal, and the matter was transmitted by the Civil Service Commission to the Office of Administrative Law, where it was filed on March 28, 2014, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The hearing was held on August 7, and 27, 2014. At the conclusion of the hearing, the parties requested time to submit written closing statements and legal memorandums. The record closed on September 22, 2014, upon the receipt of the post-hearing submissions. The time for issuance of the Initial Decision was extended by Order of the Acting Director and Chief Administrative Law Judge.

CHARGES

The PNDA describes the incident giving rise to the charges as follows:

On April 28, 2013, you reported that there had been an altercation between [R.R.] and [A.W.], which occurred

between 4:27 and 4:35 p.m. In trying to break up this altercation you indicated that your shirt had been ripped. You further described how A.W. had pushed R.R. into the heater vent in their room causing him to be injured. Later, it was determined that the injuries to R.R. did not match up with your description of how they had occurred. It also became clear that A.W. was quietly watching a movie in the dayroom at the time you stated he was involved in the altercation with R.R. In fact, you lied about what really happened. You were alone with R.R. in his bedroom and you were the one involved in the altercation with R.R., which resulted in his injuries and you [sic] shirt being ripped.

[R-2.]

REVIEW OF TESTIMONY

For Respondent

Sarahlyn Howard

Sarahlyn Howard has served as a supervisor at NLDC for the last eight years. She worked through dinner on April 28, 2013, the day of the incident. Around 4:40 p.m. appellant entered the staff office and reported to Howard an incident involving residents R.R. and A.W., who were roommates. Howard noted that appellant's shirt was ripped. She went to find R.R., noticed an injury to his face, and asked him what had happened. She thereafter told cottage training supervisor Carolyn Williams that she wanted her to see R.R.'s face, and, approximately two hours after the incident, she and Williams located R.R. in the men's room, and Williams had a discussion with R.R. R.R. said, "I won't do it again." R.R. then questioned, "Man not supposed to hit the boys, no?" Howard did not hear everything R.R. said to Williams, but she discussed with Williams that R.R. also stated, "The black [expletive deleted] did it and I ripped his [expletive deleted] shirt." This latter statement raised Howard's concern that the incident did not occur as Dartee reported. Howard acknowledged that R.R. is stubborn and punches doors when upset, and she understood that R.R. broke A.W.'s DVD player. Howard also testified that A.W. is hard of hearing, and he gets destructive at times. She had seen A.W. during her shift, and he had attended dinner; he did not appear to have been

agitated, which she would have expected if he had just had an altercation with R.R. Howard also acknowledged that R.R.'s behavior is explosive and he cannot distinguish between the truth and a lie. R.R. has assaulted a lot of people. R.R. and A.W. were separated based on Dartee's report of the incident. She testified that the inconsistency in Dartee's report is the injury reported. The injury is reported as a scratch on the face and nose. Howard testified that R.R. never reported to her that Dartee hit him. Photos of R.R.'s injuries were taken at that time.

Carolyn Williams

Carolyn Williams has worked for NLDC for twenty-two years, the last eight as a cottage training supervisor (CTS). She said that she became aware of the incident in question at or about the time it occurred. She then accompanied Howard to speak with R.R. She testified to the statements made by R.R. as described by Howard. She testified that no one looked at the fingernails of Dartee or A.W. Williams acknowledged that R.R. is very aggressive, and does not have a clear sense of what is truth and what is a lie. A.W.'s personality is to put blame on others. It was A.W. who requested the room change. A.W. is not a person of color.

Corazon T. Ramalho

Corazon Ramalho worked for NLDC for over twenty years, the last three as a cabin technician. She is now retired. On the date of the incident, at approximately 4:40 p.m., while working at Fern Cabin room 5, she heard the door to room 8 being slammed repeatedly. After she finished her duties in room 5, things appeared quiet at room 8, so she went to room 8 to perform her duties there. She observed R.R. on the floor on his back near the radiator, and appellant was by R.R.'s head. R.R. appeared to be okay. Ramalho did not see anyone else in the room. She picked up the broken DVD player and turned it in to the office of the CTS, and then continued with her duties.

Betty Ferguson

Betty Ferguson is a human services assistant (HSA) with NLDC; she is responsible for residents' showers. She worked Fern Cottage on the day of the incident. At the approximate time of the incident she was in the day room watching a movie. HSA Annette Martinez handed A.W. his broken DVD player and told him that R.R. had thrown it, which upset A.W. He left the day room, and she did not see him again until 5 p.m. NLDC's investigator requested that she complete an incident report on April 30, 2013 (R-7) and again on May 3, 2013 (R-8). The second report was to focus further on the timing of A.W.'s presence in the day room on the date of the incident.

Annette Martinez

Annette Martinez has served as an HSA at NLDC for seven years. On the day of the incident she worked Fern Cottage, and she had responsibility for R.R. At around 4:15 p.m., while she was in the CTS office, A.W.'s broken DVD player was handed to her. She repaired A.W.'s DVD player but did not return it to him, to avoid upsetting him. She said she left it in the office. A.W. approached the CTS office, but she directed him back to the day room. She initially did not recall interaction with R.R., but upon review of her report (R-9), she recalled seeing R.R. on the floor in his room with Dartee when she went to get the cord for the DVD player. She did not notice scratches on R.R. while he was on the floor. The NLDC investigator requested that Martinez write another report.

Marjorie Morette

Marjorie Morette has served as an LPN at NLDC for eleven years. On the day of the incident she worked Fern Cottage. She attended to R.R. after the injury. R.R. was sitting on his bed. He did not say anything to her about how the incident happened. She noted small scratches on both of his cheeks and slight swelling of his nose. (R-3.) R.R. did say to her, "I am sorry, I took [W.'s] CD." When she became aware that R.R.

may have fallen on the radiator, she went back to him to give him his regular medications and determine if additional precautions were necessary due to a fall. (R-11.) She identified the photos admitted as R-13 as an accurate representation of R.R.'s injuries. Morette testified that R.R. is classified as an independent resident, meaning that staff checks on him less frequently than they check on a dependent resident. She believed the incident to be more than a fall on the radiator, as the nature of the injuries, e.g., scratches on both sides of R.R.'s face, was more indicative of a fight with someone who had nails. A fall would have resulted in an injury to only one side of R.R.'s face. A.W.'s nails were long that day, and she directed that they be cut. She recognized that A.W. and R.R. regularly got into fights. A.W. is a little shorter than R.R.

For Appellant

Kumba McCarthy

Kumba McCarthy is a former temporary employee of NLDC. She is not presently employed. At NLDS she serviced residents' personal needs, such as nail care. On the day of the incident she was performing services for residents. She heard the commotion of slamming doors by R.R.'s room, and she saw A.W. leave the room. She then saw Dartee enter R.R.'s room, after the slamming of doors had ended. She then accompanied a nurse into R.R.'s room, because the nurse did not want to enter the room alone. The nurse applied an ointment to R.R.'s injury. McCarthy explained that she did not mention A.W. leaving the room in her May 6 statement (P-8), as the interviewer only asked her about Dartee's interaction with R.R.

Aaron Dartee

Appellant Aaron Dartee, a native of Liberia, came to the United States in November 2005 under a relative visa program. His education included high school and university. He started working for NLDC in August 2008. Prior to that he worked for Bristol-Myers Squibb as an internal auditor.

Dartee worked Fern Cottage at NLDC on the day of the incident. He described resident R.R. as being unpredictable. When R.R. wanted something, he wanted it immediately. If he did not get his way, he would punch and or push staff or residents. The staff is very careful with R.R. because of his disruptiveness. In October 2009 R.R. punched appellant in the nose, and then ran back to his room. Dartee required medical attention. Dartee had no other incident with R.R. prior to the April 28, 2013, incident. He described the relationship between R.R. and A.W. as one where both residents regularly fussed, and described the relationship as a "sexual friendship." On April 28, 2013, Dartee went to look into R.R.'s room to see to R.R.'s safety. R.R. and A.W. were fighting at the door. A.W. wanted something from the room and R.R. attempted to refuse A.W. entry. R.R. agitated A.W. by taking A.W.'s DVD player. In the course of the altercation between the two residents, R.R. fell on the metal heater. Appellant tried to get A.W. to leave the room. A.W. left and went to the day room. Cora, another staff member at NLDC, arrived at the room and took the DVD to the CTS office. Cora then returned to the room, and Dartee left the room and went to the CTS office and described the incident to Howard. She advised him to prepare a report, which he did immediately (R-3). The time from the incident to the completion of the report may have been two to three minutes. Dartee reported what he saw, and the injury to the right side of R.R.'s face; he noticed some swelling of the jaw more than swelling of the nose. The supervisor advised Dartee to have no client contact, and to go to PRS.

Dartee completed another report on May 1, 2013; confirmed that he observed an altercation between R.R. and A.W.; and advised that his shirt ripped when he attempted to separate R.R. and A.W. He clarified that he tried to get R.R. to see the nurse immediately, but R.R. refused to go. Dartee went to the CTS office to advise of the incident, whereupon someone called the nurse to attend to R.R. Sometime later, after Howard and Williams spoke with R.R., Williams directed Dartee to turn in his keys and have no further client contact.

Dartee testified that he had to go to R.R.'s room, as he would have been disciplined if he did not go to investigate. He called for help two or three times, but no one responded. He attributes this to the surround sound being on. This did not get into

the initial report, but he advised PRS of this. During the PRS interview process he did not have representation, though he requested union representation. He did not refuse to answer questions until he had the representation.

Emmanuel Faeflen

Emmanuel Faeflen is a ten-year employee of NLDC, where he has served as a cottage training supervisor. He is familiar with A.W. and R.R. Faeflen has been a victim of R.R.; when R.R. is angry, he takes it out on anyone. R.R. has a history of staying in his room and the bathroom. A.W. gets shy when he is guilty. If a resident needs attention, it is the cottage staff that has the obligation to address the situation. The cottage staff are not medical personnel. In 2009, R.R. punched Dartee in the nose. Dartee did not get angry or retaliate. Faeflen said that Dartee displays a jovial attitude toward the residents. Dartee has not lost his temper with residents, and is usually seen laughing. Faeflen would anticipate that if Dartee fought with R.R., R.R. would fight back aggressively, not just tear Dartee's shirt.

Timothy Hill

Timothy Hill is a senior cottage training technician of NLDC, where he has worked for seventeen years. His observations have been that Dartee is friendly with the residents, is never short or angry with them, and does not use foul language toward them. Dartee does not "explode on" residents. He described that R.R. is smart and has a lot of behavioral issues; he destroys property; he has left the cottage without permission; and he does not listen to staff. A lot of the staff are intimidated by him. R.R. will strike out at times. A.W. also has behavioral problems, biting and hitting people. He is hard to calm down. He is known to lie when he is embarrassed or ashamed of what he has done.

James Karsor

Karsor is a seven-year employee of NLDC, where he has served as a cottage technician. He testified that Dartee's attitude is patient toward residents.

DISCUSSION

The entirety of the respondent's presentation is circumstantial. That is not to say that a case cannot be supported on circumstantial evidence alone. However, no one saw what happened to R.R. to cause his injuries. R.R.'s hearsay statement cannot be afforded much weight in considering the testimony. Howard's and Williams's interpretation of R.R.'s statement, a patient with a psychological diagnosis, of one who cannot distinguish between the truth and a lie, is one of two factors Howard and Williams rely upon to support this discipline. The other is Dartee's description of the injury. Dartee promptly completed an incident report after he discovered the injury. When Howard saw the injury two hours after the incident, she questioned Dartee's characterization of R.R.'s injury as a scratch to one side of R.R.'s face. It is understandable that an injury would look worse after the site of the injury had time to swell. Howard and Williams relied on the characterization of the injury and R.R.'s hearsay statement to justify placing Dartee on the no-client-contact protocol and directing him to report to PRS. Respondent's other witnesses tried to identify the time A.W. became aware of the damage to his property and A.W.'s location at the time of the injury. There are inconsistencies between the testimonies of Martinez and Ferguson as to when A.W. became aware of the damage to his DVD player. Martinez's testimony was non-responsive to various questions posited during cross-examination, and she finally resorted to the answers, "I do not recall," and "I don't remember." This incident was just over a year ago, while one could anticipate numerous incidents over the course of a year and some might not be noteworthy to remember, this incident resulted in Dartee's loss of employment. I find the inconsistencies in the testimonies to be unreliable. A.W.'s state of mind at or around the time of the incident has not been established by NLDC.

R.R.'s January 3, 2013, Integrated Functional Assessment Process, Report and Summary, reflects that R.R. has "Intermittent Explosive Disorder." (P-4 at DHS128.) R.R. is a physically disruptive resident of NLDC. In R.R.'s November 5, 2007, and May 7, 2013, Reports of Psychological Status, the examining medical professional and clinical psychologist state that they cannot say whether R.R. has a clear sense of the truth, a lie, or the consequences of lying. (P-2; P-3 at DHS 38.)

The respondent offered R.R.'s unsigned April 29, 2013, statement to the PRS interviewer in support of the charges against appellant. (R-19.) Interviewer Michael Jones purportedly asked R.R., with regard to the marks on R.R.'s face, "Who did that?" R.R. purportedly responded, "Staff did it." This statement is hearsay. Interviewer Michael Jones did not testify at the hearing. Accordingly, the statement is unreliable as proof of the fact stated therein. This is equally true of the hearsay offered by Howard and Williams. They testified to statements made by R.R. However, according to R.R.'s psychological profile, it cannot be said that R.R. can distinguish the truth from a lie, or the consequences of lying. Accordingly, Howard's and Williams's testimony in that regard cannot be accepted as evidence of a truth.

There is evidence that approximately four years before the incident, in 2009, R.R. hit Dartee. NLDC provided no factual basis to support an assertion that Dartee acted in retaliation for the 2009 action of R.R.

Dartee denies having an altercation with R.R.; he claims to have intervened to break up a fight between R.R. and A.W. McCarthy testified to seeing A.W. leave room 8 and return to the day room, at the same time Dartee occupied the room. Dartee then reported to the CTS office to seek medical aid for R.R. Dartee's character witnesses, Faeflan, Hill and Karsor, portray him as friendly and jovial. They described that in his interactions with the residents he is not one to lose patience or use foul language. Factually, more credibility is attributed to appellant's witnesses, as three of them continue to work for NLDC and still have come forward to support Dartee.

FINDINGS OF FACT

Having considered the relevant and credible testimony and documentary evidence, I **FIND** the following **FACTS**:

1. NLDC hired Dartee in 2008 as a human services assistant.
2. NLDC residents R.R. and A.W. roomed together in room 8, Fern Cottage, on or about April 28, 2013.
3. Prior to the incident, A.W. and R.R. were known to have fights and arguments.
4. On April 28, 2013, sometime prior to 4:40 p.m., a commotion erupted in room 8, Fern Cottage.
5. Dartee responded to the commotion. He discovered R.R. and A.W. in an altercation and intervened to break up the altercation. During that intervention, R.R. ripped Dartee's shirt. R.R. received facial injuries from the altercation.
6. Dartee directed A.W. to return to the day room, which he did.
7. After the commotion ended, former NLDC employee Kumba McCarthy saw A.W. leave room 8.
8. Dartee requested that R.R. see the nurse, but he refused. Dartee then went to the cottage training supervisor's office and reported the incident to supervisor Sarahlyn Howard.
9. Nurse Marjorie Morette responded to R.R.'s room and administered first aid.

10. Howard and Williams attended to other duties, and met with R.R. after dinner. Based upon R.R.'s comments made during that discussion, as well as Dartee's initial characterization of R.R.'s injury, Howard directed Williams to advise Dartee to report to PRS, turn in his keys and have no further client contact. Williams so advised Dartee.

11. In 2007 and 2013 reports of psychological status regarding R.R., mental-health professionals stated that it cannot be said that R.R. has a clear sense of the truth and a lie, and the consequences of lying.

12. An October 2009 incident report reflected that R.R. punched Dartee in the nose; Dartee sought medical assistance. The incident left Dartee apprehensive and cautious when interacting with R.R.

13. Dartee's reputation among other training supervisors is that he is considerate of the residents and staff of NLDC.

LEGAL ANALYSIS AND CONCLUSION

Civil service employees' rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an important inducement to attract qualified people to public service and is to be liberally applied toward merit appointment and tenure protection. Mastrobattista v. Essex County Park Comm'n, 46 N.J. 138, 147 (1965). However, consistent with public policy and civil service law, a public entity should not be burdened with an employee who fails to perform his or her duties satisfactorily or who engages in misconduct related to his or her duties. N.J.S.A. 11A:1-2(a). Such an employee 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).

An appeal to the Civil Service Commission requires the OAL to conduct a de novo hearing to determine the employee's guilt or innocence, as well as the appropriate

penalty if the charges are sustained. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987).

The burden of persuasion falls on the appointing authority in enforcement proceedings to prove a violation of administrative regulations. Cumberland Farms, Inc. v. Moffett, 218 N.J. Super. 331, 341 (App. Div. 1987). The appointing authority must prove its case by a preponderance of the credible evidence, which is the standard in administrative proceedings. Atkinson v. Parsekian, 37 N.J. 143 (1962). Precisely what is needed to satisfy the standard must be decided on a case-by-case basis. The evidence must be such as to lead a reasonably cautious mind to the given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). Preponderance may also be described as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

I **CONCLUDE** that NLDC has not shown by a preponderance of the evidence that appellant violated N.J.A.C. 4A:2-3(a)(6), conduct unbecoming a public employee, and N.J.A.C. 4A:2-3(a)(12), other sufficient cause, specifically, violation of Supplement 1, of Administrative Order 4.08 of the Department of Human Services Disciplinary Action Program, C. 3-1, physical abuse of a client; C. 5-1, inappropriate physical contact or mistreatment of a client; C. 8-1, falsification, intentional misstatement of material fact in connection with work, employment, application, attendance, or in any record, report, investigation or other proceeding; and E.1-1, violation of a rule, regulation. The facts presented reflect that Dartee responded to an altercation and broke up the altercation. Dartee redirected A.W. to leave the area of the altercation. Dartee then sought medical assistance for the injured R.R., and promptly completed an incident report of the event.

ORDER

For the reasons stated above, I hereby **ORDER** that NLDC's removal action is **REVERSED**, and I **ORDER** that NLDC immediately reinstate Dartee to the position of human services assistant.

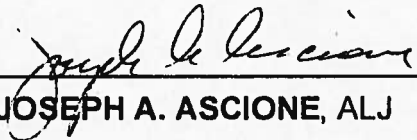
I further **ORDER** that Dartee be awarded reasonable attorney's fees, back pay, benefits and seniority from May 15, 2013, the effective day of his removal.

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.

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.

December 22, 2014
DATE



JOSEPH A. ASCIONE, ALJ

Date Received at Agency:

12/22/14

Date Mailed to Parties:

12/22/14

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APPENDIX

LIST OF WITNESSES

For Appellant:

Kumba McCarthy
Aaron Dartee
Emmanuel Faeflen
Timothy Hill
James Karsor

For Respondent:

Sarahlyn Howard
Carolyn Williams
Corazon T. Ramalho
Betty Ferguson
Annette Martinez
Marjorie Morette

LIST OF EXHIBITS

For Appellant:

- P-1 A.W. Report of Psychological Status, dated 12/21/11
- P-2 R.R. Report of Psychological Status, dated 11/5/07
- P-3 R.R. Report of Psychological Status, dated 5/7/13
- P-4 R.R. Integrated Functional Assessment Process, Report and Summary
- P-5 R.R. Comprehensive Support Plan Process
- P-6a Concentra Medical Centers Physician Activity Report, dated 10/13/09,
regarding Aaron Dartee
- P-6b NLDC, Human Resources, Work Status Report, stamp dated 10/16/19,
regarding Aaron Dartee's work-related injury on 10/10/09

- P-6c NLDC, Medical Department Consultation Referral to Concentra, dated 10/10/09, regarding Aaron Dartee
- P-6d State of New Jersey, Risk Management Information System, Employer's First Report of Accidental Injury or Occupational Disease, regarding Aaron Dartee's work-related injury on 10/09/09 and attached handwritten report submitted by Aaron Dartee
- P-6e NLDC, Medical Department Consultation Referral, "V Miller," dated 10/09/09, regarding Aaron Dartee's treatment
- P-7 Employee sketch
- P-8 Kumba McCarthy statement
- P-9 A.D. sketch

For Respondent:

- R-1 FNDA, dated 9/13/13
- R-2 PNDA, dated 5/5/13
- R-3 Confidential Incident Report re R.R., dated 4/28/13
- R-4 Confidential Incident Statement of Sarahlyn Howard, dated 5/6/13
- R-5 Confidential Incident Statement of Carol Williams, dated 5/2/13
- R-6 Confidential Incident Statement of Corazon Ramalho, dated 5/1/13
- R-7 Confidential Incident Statement of Betty Ferguson, dated 4/30/13
- R-8 Confidential Incident Statement of Betty Ferguson, dated 5/3/13
- R-9 Confidential Incident Statement of Annette Martinez, dated 4/30/13
- R-10 Confidential Incident Statement of Annette Martinez, dated 5/1/13
- R-11 Confidential Incident Statement of Marjorie Morette, dated 5/7/13
- R-12 Investigation Report re R.R.
- R-13 Photographs of R.R.
- R-14 CTS Shift Log of Fern Cottage for 4/27/13 to 4/28/13
- R-15 Active Treatment Notes for patient R.R., dated 4/23/13 to 4/29/13
- R-16 Employee Training Record for Aaron Dartee
- R-17 NLDC Administrative Procedure #19, Incident Management
- R-18 Confidential Incident Statement of Aaron Dartee, dated 5/8/13
- R-19 Confidential Incident Statement of R.R., dated 4/29/13

- R-20 Confidential Incident Statement of A.W., dated 4/29/13
- R-21 NLDC Daily Timesheet for 4/28/14
- R-22 Administrative Order 4:08

