



JAMES A. KOMPANY
Chairman

GREGORY PETZOLD
Executive Director

June 11, 2024

Sent via email to [REDACTED]

Samuel J. Halpern, Esq.
[REDACTED]

RE: Prinsipe¹ L. Amante
PFRS # [REDACTED]
OAL DKT No TYP 10229-21

FINAL ADMINISTRATIVE DETERMINATION

Dear Mr. Halpern:

The Board of Trustees (Board) of the Police and Firemen's Retirement System of New Jersey (PFRSNJ) has reviewed the Initial Decision (ID) of Hon. Margaret M. Monaco, ALJ, dated March 25, 2024²; as well as exceptions filed by Thomas R. Hower, Esq., dated April 8, 2024, in the matter of Prinsipe Amante.

At its meeting of May 13, 2024, the Board voted to reject the Office of Administrative Law's (OAL) ID, which reversed the Board's denial of Mr. Amante's application for Accidental Disability retirement benefits.

Findings of Fact and Conclusions of Law as outlined below were presented and approved by the PFRSNJ Board at its June 10, 2024 meeting.

FINDINGS OF FACT

Prinsipe Amante's employment as a Correction Officer with Hudson County began on or around August 13, 2001. He was subsequently enrolled in the Police and Firemen's Retirement System (PFRS) effective December 1, 2001, after having met all requirements of enrollment. He went on to accrue 17 years, two months of service credit.

Mr. Amante filed for Accidental Disability on November 9, 2020, requesting an effective date of March 1, 2021³. On his application, he indicated that he was disabled due to an incident on August 25, 2018, with a comment that [REDACTED] responding to an

¹ The member's first name was spelled incorrectly as "Principe" in the ID.

² An extension was granted on March 27, 2024, allowing until June 24, 2024, to issue the final decision.

³ The member originally requested a December 1, 2020, retirement date. On February 19, 2021, he submitted a revised application changing the effective date.

emergency. He stated that he and multiple other officers were responding to a "Code Blue" alarm where a fellow officer was being attacked by an inmate in the infirmary. While running down the corridor to the scene along with other responding officers, [REDACTED]

At its meeting of October 4, 2021, the Board voted to deny Accidental Disability (AD) but grant Ordinary Disability (OD) benefits. The Board determined that the member was totally and permanently disabled from his job duties, that the incident was identifiable to time and place, was the direct result of the incident, and that it occurred during and as a result of the member's regular or assigned duties. The member's disability was not the result of the member's willful negligence and the member is mentally or physically incapacitated from performing his usual or any other duty. However, the Board found that the incident was not considered to be undesigned and unexpected. Consequently, the member did not meet the requirements for AD, but qualified for OD.

Mr. Amante appealed the denial and the Board approved his request for a hearing at its December 2021 meeting. The matter was transmitted to the OAL 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. Subsequent to hearing in the OAL, the ID was issued on March 25, 2024. The ID concluded that the incident satisfied the "undesigned and unexpected prong of the Richardson test." It consequently concluded that Mr. Amante had met all the requirements necessary to qualify for AD and ordered that the Board's determination was thereby reversed.

LEGAL CONCLUSIONS

The ID found that, while running down the corridor in response to the emergency call, Mr. Amante [REDACTED]

[REDACTED] It cited Richardson v. Bd. Of Trustees Police & Firemen's Ret. Sys., 192 N.J. at 214, and quoted, "during the regular performance of [Amante's] job, an unexpected happening...occurred and directly resulted in [his] permanent and total disability [.]" It determined that "the chain of events in this case was as undesigned and unexpected as a police officer who becomes permanently and totally disabled because of a fall while chasing a suspect, an example that the Court in Richardson explicitly cited as satisfying the traumatic event standard."

However, the ID uses parts of Richardson that describe an "unexpected happening," but fails to apply the legal standard that is stated in it. Omitted is the statement in Richardson that an accident may be found "in an unanticipated consequence of an intended external event if that consequence is extraordinary or unusual in common experience." Richardson at 201, 214-215. The Board considers this to be an error of law and rejects the finding. The ID does not state whether or not the accident, [REDACTED] is extraordinary in common experience.

The Board does not find the incident to be undesigned and unexpected. Applying the Richardson, 192 N.J. at 201, 214-215 standard in its entirety, the Board reiterates its finding that incurring an injury [REDACTED] is not "an unanticipated consequence of an external event if that consequence is extraordinary or unusual in common experience." Ibid.

CONCLUSION

For the foregoing reasons, Mr. Amante's AD application is denied; he will continue to receive OD benefits. This correspondence shall constitute the Final Administrative Determination of the PFRSNJ Board of Trustees.

Samuel J. Halpern, Esq.
RE: Prinsipe Amante
June 11, 2024

You have the right, if you wish, to appeal this final administrative determination to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey.

Sincerely,



Lisa Pointer
Board Secretary
Police and Firemen's Retirement System of New Jersey

G-9 /sb

c: Prinsipe L. Amante
Thomas R. Hower, Esq., PFRSNJ Staff Attorney
Nels J. Lauritzen, Esq., PFRSNJ Deputy Director of Legal Affairs (ET)
OAL, Attn: Library (ET)