



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

WILLIAM BARHAM,

Petitioner,

v.

**NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION,
LAND USE REGULATION,**

Respondent.

OAL DOCKET NO. ELU 12277-19

AGENCY DKT. NO. 1342-04-0017.1

EFD180002

Edward C. Eastman, Esq., Principal, and **Herschel P. Rose**, Esq., for petitioner
(Davison, Eastman, Muñoz, Paone, P.A., attorneys)

Bruce A. Velzy, Deputy Attorney General, for respondent (Gurbir S. Grewel, Attorney
General, State of New Jersey, attorney)

Record Closed: December 3, 2020

Decided: January 11, 2021

BEFORE **TRICIA M. CALIGUIRE**, ALJ:

STATEMENT OF THE CASE

Petitioner William Barham (Barham) appeals the conditions of the waterfront development individual permit, No. 1342-04-0017.1 WFD 180002 (the Permit), issued by respondent, New Jersey Department of Environmental Protection, Land Use Regulation (NJDEP), pursuant to the New Jersey Waterfront Development Act, N.J.S.A. 12:5-1 through -11.

PROCEDURAL HISTORY

On December 13, 2018, respondent issued the Permit to Barham. On January 3, 2019, Barham requested an adjudicatory hearing to contest a condition of the Permit. On March 18, 2019, the NJDEP notified Barham that this matter would be transmitted to the Office of Administrative Law (OAL). The matter was filed with the OAL for determination as a contested case on September 5, 2019, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

An initial telephone prehearing conference with the parties was held on November 18, 2019, during which the evidentiary hearing was scheduled for February 7, 2020. A prehearing order was issued on December 2, 2019.

On January 8, 2020, the NJDEP filed a motion for summary decision in its favor. Later that day, the parties appeared for a telephone prehearing conference, during which the hearing scheduled for February 7, 2020, was adjourned to allow time to address the motion. Counsel for Barham stated that he had only just been retained in this matter and, therefore with the consent of the NJDEP, was granted a ninety-day extension of the deadline by which Barham was required to file a responding affidavit setting forth facts as to which there is a genuine dispute, pursuant to N.J.A.C. 1:1-12.5(b).

By letter dated April 21, 2020, Barham requested an additional sixty-day extension of the date by which he was required to respond to the motion for summary decision and a sixty-day extension of the discovery period. The basis for these requests was the inability of Barham to retain an expert to conduct an inspection of his property due to the restrictions imposed on businesses due to the COVID-19 emergency. For similar reasons and the associated closing of the OAL, Barham's request was not received until May 1, 2020. With respondent's consent, both requests for extension were granted.

On July 6, 2020, Barham submitted a cross-motion for summary decision in his favor and a brief in opposition to NJDEP's motion for summary decision and on August 26, 2020, NJDEP filed a reply brief. Following additional submissions, the parties participated

in settlement discussions with the undersigned on September 16 and November 12, 2020. Supplemental briefs were filed on November 13 and December 3, 2020, in response to specific questions raised by the undersigned, and the motion is now ripe for determination.

FACTUAL DISCUSSION AND FINDINGS

Based on the papers filed by the parties in this case, including the certifications of Barham; Kara Turner (Turner), Case Manager, NJDEP Division of Land Use Regulation; and Kira Dacanay (Dacanay), Principal Biologist, NJDEP Marine Fisheries Administration, I **FIND as FACT:**

Barham is the representative of the trust fund which owns the property located at 15 Edwards Point Road, Rumson, New Jersey (the Site), along the South Shrewsbury River. A single-family dwelling is located on the Site. The Site has over 665 feet of water frontage on the Shrewsbury River to the east and to the north along a channel extending from the river.

On June 15, 2011, the NJDEP issued a Waterfront Development Act permit to the prior owner of the Site, James T. Robinson (Robinson). Pursuant to the terms of his permit, on the eastern edge of the Site, Robinson constructed a single dock consisting of a fixed pier and ramp leading to a floating dock. Certification of Kara Turner in Support of Summary Decision (December 26, 2019) (Turner Cert.), Ex. D. This fixed pier, ramp and floating dock are still in place.

On September 25, 2018, Barham applied for a Waterfront Development Act individual permit to construct a new dock consisting of a fixed pier and floating dock along the northern edge of the Site, in the channel described above. *Id.*, Ex. A. The July 2018 Environmental Compliance Statement¹ that accompanied Barham's application included the following statements:

¹ Barham's application was prepared with the assistance of The English Group, LLC. Although after these proceedings began Barham retained another expert, Water's Edge Environmental, LLC, Barham has not argued that he should not be held to statements made by his first consultant on his behalf.

Shellfish Habitat regulations charting and mapping (US Fish and Wildlife Service, 1963; attached) demonstrate an absence of oyster beds, an absence of hard clams and an absence of soft clams. The 'Inventory of New Jersey's Estuarine Shellfish Resources' maps (NJ Bureau of Shellfisheries, 1983; attached) demonstrate an absence of oyster beds, an occurrence of soft clam production areas, and a hard clam value of 'Moderate.'

[Ibid.]

Consistent with the 1983 Inventory of New Jersey's Estuarine Shellfish Resources (Division of Fish, Game and Wildlife, Bureau of Shellfisheries) (1983 Inventory), as cited by Barham in his application, the NJDEP determined that the Site is located in shellfish habitat. The applicable regulations provide that "only one dock . . . shall be constructed per buildable lot" in shellfish habitat. N.J.A.C. 7:7-9.2(d)(3)(iv). Accordingly, on December 13, 2018, NJDEP issued the Permit to Barham with the condition that "[p]rior to construction of the proposed docking structure the existing fixed pier, ramp and floating dock must be removed[.]" Turner Cert., Ex. B.

In 2017, NJDEP published the "Inventory of New Jersey's Estuarine Shellfish Resources: Hard Clam Stock Assessment Navesink and Shrewsbury Rivers (Division of Fish, Game and Wildlife, Bureau of Shellfisheries, Survey Year 2015)" (2015 Inventory).² In his appeal of the Permit condition described above, Barham relies on the 2015 Inventory in claiming that the Site is not located in shellfish habitat. Ltr. Br. Opposing Motion for Summary Decision and in Support of Petitioner's Cross-Motion for Summary Decision (July 6, 2020) (Br. of Pet'r), at 4, 9. The restriction of one dock per single family dwelling found in the Permit does not apply in areas outside of shellfish habitat. Id. at 8.

On May 6, 2020, Michael Lucey (Lucey) of Water's Edge Environmental, LLC, completed an evaluation of the Site on Barham's behalf, and concluded that "assuming that the [Site] is not a shellfish habitat," the proposed dock meets the requirements of applicable regulations, those being N.J.A.C. 7:7-12.5. Certification of William C. Barham in Support of Cross-Motion for

² In the papers filed by both parties, this document is alternately referred to as the 2017 Inventory, because of its publication date. The 2015 Inventory is found on the NJDEP website at https://www.nj.gov/dep/fgw/pdf/marine/shellfish_assessment_nr-sr15.pdf

Summary Decision (July 1, 2020) (Barham Cert.), Ex. F. In his evaluation, Lucey made “no determination as to whether the [Site] is in or partially in a Shellfish Habitat.” Ibid.

ARGUMENTS OF THE PARTIES

In its motion for summary decision, the NJDEP argues that it is undisputed that the 1983 Inventory indicates the Site is in shellfish habitat and the dock installed by Robinson is still present on the eastern edge of the Site. Barham applied for a permit to build a second dock on the northern edge of the Site. Barham’s application included statements confirming that the Site is in shellfish habitat. The applicable regulation, N.J.A.C. 7:7-9.2, “expressly allows only a single dock or pier on property in shellfish habitat.” Ltr. Br. of Respondent in Support of Motion for Summary Decision (January 7, 2020) (Br. of Resp’t), at 1. Therefore, Barham’s appeal of the Permit condition that he must first remove the existing dock prior to building a dock on the northern edge of the Site must fail. NJDEP contends that on the undisputed facts, Barham cannot prove that the decision of the NJDEP to require removal of the existing dock as a condition of the Permit was arbitrary, capricious, and/or not in accordance with or supported by law.

Barham’s cross-moves for summary decision on the grounds that the Permit condition requiring removal of the existing dock is “invalid on its face, based on outdated and incorrect information and otherwise arbitrary, capricious and unreasonable.” Br. of Pet’r, at 2. He contends that the Site is not located in a shellfish habitat as that term is defined in N.J.A.C. 7:7-9.2, and alternately, if the Site is determined to be located in a shellfish habitat, that N.J.A.C. 7:7-9.2(a)(2) is void for vagueness as applied in this case.

LEGAL ANALYSIS AND CONCLUSIONS

Summary decision is a well-recognized procedure for resolving cases in which the facts that are crucial to the determination of the matters at issue are not actually in dispute. By applying the applicable law and standard of proof to the undisputed facts, a decision may be reached in a case without the necessity of a hearing at which evidence is presented and

testimony taken. The procedure is equally applicable in judicial as well as executive branch administrative proceedings. N.J.A.C. 1:1-12.5.

The regulations provide that the decision sought by the movant “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b).

The standards for determining motions for summary judgment are found in Judson v. Peoples Bank & Trust Co., 17 N.J. 67, 74–75 (1954), and later in Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520 (1995). A motion for summary decision may only be granted where the moving party sustains the burden of proving “the absence of a genuine issue of material fact,” and all inferences of doubt are drawn against the movant. Judson, 17 N.J. at 74-75. Here, there is no dispute as to the material facts and both parties have moved for a determination that, as a matter of law, the application of the regulations entitles them to a favorable decision. I **CONCLUDE** that the only issue for determination is whether and how to apply the Waterfront Development Act regulations to the Site, making summary decision appropriate.

Summary decision is appropriate when “the evidence . . . is so one-sided that one party must prevail as a matter of law.” Brill, 142 N.J. at 541 [quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 251–52, 106 S. Ct. 2505, 2512, 91 L. Ed. 2d 202, 214 (1986)]. In reviewing the proffered evidence to determine the motion, the judge must be guided by the applicable evidentiary standard of proof that would apply at trial on the merits. In cases concerning permitting of activities under the environmental laws of the State, the petitioner bears the burden of proving by a preponderance of the evidence that his proposal meets the criteria established by law. Matter of Vineland Chemical Co., 243 N.J. Super. 285, 315 (App. Div. 1990) (appeal of conditions of a discharge permit). Accordingly, the undisputed facts described above will be considered in light of the applicable law to determine whether or not Barham has met the burden of proving that the decision of NJDEP to require removal of the existing dock as a condition of the Permit was arbitrary, capricious and/or not in accordance with or supported by law and/or regulations. See, Hedrick v. Dept. of Environmental Prot., 1996 N.J. AGEN

LEXIS 629, *6, Comm'r (May 26, 1996) (evidence did not refute testimony of NJDEP expert regarding historical shellfish production).

The Waterfront Development Act authorizes the NJDEP to regulate “plans for the development of any waterfront upon any navigable water or stream of this State or bounding thereon, which is contemplated by any person or municipality, in the nature of individual improvement or development or as a part of a general plan which involves the construction or alteration of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or any other similar or dissimilar waterfront development[.]” N.J.S.A. 12:5-3.

Pursuant to this authority, the NJDEP promulgated the Coastal Zone Management Rules, including N.J.A.C. 7:7-9.2, which defines “shellfish habitat” and restricts construction within an area designated as a shellfish habitat as follows, in pertinent part:

Construction of a dock, pier, or boat moorings in shellfish habitat is prohibited, except for the following:

3. A single noncommercial dock, pier, or boat mooring associated with a single[-]family dwelling provided the proposed dock, pier, or boat mooring meets the requirements at (d)3i through v below.

* * * *

- iv. Only one dock, pier or boat mooring shall be constructed per buildable lot pursuant to this subsection. Where two or more lots have been assembled for the purpose of building a single[-]family dwelling, only one dock, pier or boat mooring shall be constructed pursuant to this subsection[.]

[N.J.A.C. 7:7-9.2(d)(3)(iv).]

In its motion for summary decision, the NJDEP argues that it is undisputed that the Site contains a single-family dwelling, is in shellfish habitat, and that the dock installed by Robinson is still present in the water on the eastern edge of the Site. Barham applied for a permit to build a second dock in the water on the northern edge of the Site and appeals the condition that he must first remove the existing dock. Barham concedes that the above

regulation allows “construction of a single, noncommercial dock in a shellfish habitat where the dock is associated with a single[-]family dwelling” but notes that the rule does not apply to “areas outside of the designated shellfish habitat.” Br. of Pet’r, at 8. Therefore, the only question for resolution is whether the Site is in shellfish habitat.

Shellfish habitat is defined at N.J.A.C. 7:7-9.2(a) as “an estuarine bay or river bottom which currently supports or has a history of production” for hard clams, soft clams, eastern oysters, bay scallops, or blue mussels and which meets one or more of the following criteria:

1. The area has a current shellfish density equal to or greater than 0.20 shellfish per square foot;
2. The area has a history of natural shellfish production according to data available to the New Jersey Bureau of Shellfisheries, or is depicted as having high or moderate commercial value in the Distribution of Shellfish Resources in Relation to the New Jersey Intracoastal Waterway (U.S. Department of the Interior, 1963) and/or "Inventory of New Jersey's Estuarine Shellfish Resources" (Division of Fish, Game and Wildlife, Bureau of Shellfisheries, 1983-present);
3. The area is designated by the State of New Jersey as a shellfish culture area as authorized by N.J.S.A. 50:1 et seq. Shellfish culture areas include estuarine areas presently leased by the State for shellfish aquaculture activities or hard clam relay, transplant and transfer as well as those areas suitable for future shellfish aquaculture development; or
4. The area is designated as productive at N.J.A.C. 7:25-24, Leasing of Atlantic and Delaware Bay Bottom for Aquaculture.

The regulation clearly provides that the Site is a shellfish habitat if it meets one or more of the above criteria and the parties agree that the Site does not meet the criteria described in

N.J.A.C. 7:7-9.2(a)(1), (3) and (4).³ Therefore, the question is whether the Site “has a history of natural shellfish production according to data available to the New Jersey Bureau of Shellfisheries, or is depicted as having high or moderate commercial value in the Distribution of Shellfish Resources in Relation to the New Jersey Intracoastal Waterway (U.S. Department of the Interior, 1963) and/or ‘Inventory of New Jersey’s Estuarine Shellfish Resources’ (Division of Fish, Game and Wildlife, Bureau of Shellfisheries, 1983-present).” N.J.A.C. 7:7-9.2(a)(2) (emphases added). Since the NJDEP does not argue with the statement provided by Barham in his application that the 1963 federal study does not depict the Site as having “high or moderate commercial value,” the Site will meet the criteria for shellfish habitat under one or both of the following circumstances: the Site has a history of natural shellfish production and/or the Site is depicted as having high or moderate commercial value in the Inventory, 1983-present.

Petitioner concedes that he submitted a permit application which clearly stated that the Site is shown on the 1983 Inventory as including “soft clam production areas and [having] a hard clam value of ‘moderate’.” But he now gives two reasons that his prior statement is actually “not representative of the current or . . . historical shellfish distribution in the area.” Br. of Pet’r, at 10. First, Barham contends that the 1963 maps showing the distribution of shellfish resources place the Site—and both the original dock and the proposed dock—outside areas depicted as having “moderate or high commercial value of hard claims or an occurrence of soft claim production.” *Id.* at 11-12. While the maps attached to the 1983 Inventory appear to support the NJDEP, Barham argues that the NJDEP should not have relied on them “where more recent findings are available [and] specify that the area does not have a history of or current natural shellfish production or a high or moderate commercial value.” *Id.* at 13-14. The NJDEP counters this argument with maps of the Shrewsbury River near the Site from 1963, 1983 and 2015, each of which is publicly available and support a finding that the original dock and proposed dock are in shellfish habitat for hard clams. Certification of Kira Dacanay in Support of Summary Decision (November 13, 2020), ¶¶6 and Exs. B, C, and D.

³ *See*, Br. of Pet’r, at 9; Ltr. Br. of Respondent in Opposition to Cross-Motion for Summary Decision and in Support of Motion for Summary Decision (August 7, 2020), at 5-7.

Second, Barham argues that the 2015 Inventory “indicates that the 1983 [Inventory] was incorrect,” as the later inventory includes the finding that “there was a 0 percent estimate of hard clam recruitment in 1983” and “no distribution of soft clams.” Br. of Pet’r, at 13. The parties were asked to explain the reported reduction of shellfish near the Site between 1983 and 2015 and the impact, if any, of this apparent change on a finding of habitat. Barham takes the position that where the 1983 and 2015 Inventories “make conflicting findings, the more recent and presumably more accurate survey should hold more weight,” leading here to the conclusion that the Site is no longer located in shellfish habitat. Id. at 16. Further, Barham argues that the regulations task the NJDEP with using available resources to determine if the Site is currently, not historically, in shellfish habitat. Ltr. Br. of Petitioner in Reply to Respondent’s Opposition to Motion for Summary Decision (September 9, 2020) (Reply Br. of Pet’r), at 3.

In contrast, NJDEP points to the difference between density of shellfish at any given time and the characteristics of the habitat in which a species may be found. Lower density of a particular species does not equate to “loss of shellfish habitat.” Ltr. Br. of Respondent in Response to Petitioner’s Reply Br. (November 13, 2020)⁴ (Response Br. of Resp’t), at 8. NJDEP’s expert states that “shellfish populations are dynamic, increasing and decreasing in density over time within suitable habitat.” Dacanay Cert., at ¶10. Citing evidence of natural fluxes in shellfish population within the Shrewsbury River since 1963, Dacanay notes that the regulations protect “areas of known present or historical [shellfish] habitat in order to ensure the availability of suitable habitat for colonization by future generations” consistent with natural cycles which are dependent on weather-related environmental conditions. Id., at ¶11. The reduction in density of shellfish in the 2015 Inventory “is insufficient to conclude the area is no longer capable of supporting shellfish populations and does not preclude future increases in density” (as has been seen in other parts of the Shrewsbury River between 1983 and 2015). Id., at ¶12.

The NJDEP has the stronger argument; the regulations define shellfish habitat as an area with a “history of natural shellfish production according to data available to the New Jersey Bureau of Shellfisheries[.]” N.J.A.C. 7:7-9.2(a)(2). All the materials reviewed by both parties

⁴ It appears that counsel used the incorrect date on the brief itself, which is dated August 7, 2020; the cover letter submitting the brief is dated November 13, 2020, and the brief refers to an attached certification dated November 13, 2020.

and described herein can be characterized as “data available to the New Jersey Bureau of Shellfisheries.” The NJDEP’s position is further buttressed by the regulatory options that were available to Barham, that is to show that the water area around the Site is “contaminated by toxins,” or is “no longer capable of supporting a shellfish population, or lacks the physical features necessary for the support of a shellfish population.” Dacanay Cert., at ¶13, citing N.J.A.C. 7:7-9.2(b). It is noted that petitioner did not provide an expert certification that the Site is no longer a suitable habitat for shellfish. Barham’s original consultant found that the Site was in shellfish habitat and Barham has not provided an expert certification to the contrary. On appeal, Barham merely introduced the report of an environmental consultant who assumed that the Site was not located in shellfish habitat and therefore was able to conclude that the Site met regulatory requirements for a second dock.

The NJDEP also argues that petitioner did not rely on the 2015 Inventory when applying for his permit and, even if he had, the 2015 Inventory has not yet been adopted by the NJDEP in its regulations. Ltr. Br. of Respondent in Opposition to Cross-Motion for Summary Decision and in Support of Motion for Summary Decision (August 7, 2020) (Reply Br. of Resp’t), at 10. Though the first statement is true,⁵ the second is not persuasive as the regulations appear to anticipate ongoing updates of the Inventory (the date of which is given in the regulations as “1983-present”). See, N.J.A.C. 7:7-9.2(a)(2). The date range of “1983 to present” may be intended to capture all data from the first Inventory, in 1983, through and including the most recent inventories, to ensure that the fluctuating nature of the shellfish population is recognized, historical habitat is protected, and the return to former habitat is possible for as many species as possible.⁶ This interpretation seems consistent with the position taken by the agency in this matter.

Finally, Barham contends that the applicable regulations, and their use to condition the Permit on removal of the existing dock, are void for vagueness, beyond the rule-making

⁵ Barham’s permit application did not include data from the 2015 Inventory, though by 2018, it had been published by the NJDEP.

⁶ NJDEP’s position here may create confusion in the regulated community as the NJDEP provides a link to the 2015 Inventory on its website. For his part, Barham contends that “[it] is hypocritical for the DEP to try and exclude [the 2015] Inventory when they are the ones who published it . . . on [their] own website [where it is] in fact, the only version of that inventory available on the website for the Navesink and Shrewsbury River area.” Reply Br. of Pet’r, at 8.

authority of the NJDEP, and unconstitutional as applied in this case. Br. of Pet'r, at 22-24. As respondent duly notes, review of such claims is beyond the jurisdiction of the OAL and therefore, will not be conducted here. See Reply Br. of Resp't, at 12 (citations omitted).

In his original application and all documents supporting his appeal, Barham details the basis for his permit application, explaining that the second dock is necessary to safely use his watercraft and for his "full enjoyment of his property." Br. of Pet'r, at 18-19; Barham Cert., at ¶¶ 5-8; Ltr. Br. of Petitioner in Response to Respondent Sur-Reply (December 3, 2020) (Pet'r Response to Sur-Reply), at 5. In this regard, Barham notes that the Waterfront Development Act and its implementing regulations struck a compromise between "the protection of shellfish habitat and recreational boating-related uses." Pet'r Response to Sur-Reply, at 5, 6. As a practical matter, Barham owns a very large parcel which could be subdivided (consistent with local zoning regulations) into two lots on which single-family homes could be constructed, each of which would then be eligible to construct a single dock in shellfish habitat. Even so, the NJDEP declined to make an exception to the requirements of N.J.A.C. 7:7-9.2(d) based on the characteristics of the Site. That decision is a regulatory judgment granted to the Agency by the Legislature and will not be disturbed:

The court 'may not vacate an agency determination because of doubts as to its wisdom or because the record may support more than one result,' but is 'obliged to give due deference to the view of those charged with the responsibility of implementing legislative programs.' In re N.J. Pinelands Comm'n Resolution PC4-00-89, 356 N.J. Super. 363, 372 (App. Div. 2003) [citing Brady v. Bd. of Review, 152 N.J. 197, 210 (1997)], certif. denied, 176 N.J. 281 (2003).

Based on the foregoing, I **CONCLUDE** that Barham cannot meet the burden of proving that the NJDEP acted arbitrarily, capriciously, and/or contrary to regulation when it conditioned his July 2018 permit to build a second dock at the Site on the removal of the first dock as the Site is located in shellfish habitat, as defined at N.J.A.C. 7:7-9.2.

ORDER

It is **ORDERED** that the motion for summary decision of respondent **NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION** is **GRANTED**, the cross-motion for summary decision of petitioner **WILLIAM BARHAM** is **DENIED**, and the appeal of petitioner **WILLIAM BARHAM** is **DISMISSED**.

I hereby **FILE** my initial decision with the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection 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, OFFICE OF LEGAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL PROTECTION, 401 East State Street, 4th Floor, West Wing, PO Box 402, Trenton, New Jersey 08625-0402**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

January 11, 2021

DATE


TRICIA M. CALIGUIRE, ALJ

Date Received at Agency:

Date Mailed to Parties:
TMC/nd
