

FRANCES ELLIOTT, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF ATLANTIC : DECISION  
 CITY, ATLANTIC COUNTY, :  
 :  
 RESPONDENT. :  
 \_\_\_\_\_ :

SYNOPSIS

Petitioning teacher alleged the Board's action in charging her sick days for work-related injury violated *N.J.S.A.* 18A:30-2.1.

In January 2004, the Workers' Compensation Court approved a settlement with dismissal but did not determine whether petitioner was in the course of her employment when the accident occurred. Neither was the "going and coming issue" decided (petitioner had signed in and then left the school to find parking when she was hit by a vehicle). The ALJ noted that recent cases seem to stand for the proposition that employees who travel to a regular fixed location are not covered by the workers' compensation statute until they are on the premises working. The ALJ determined that petitioner was not injured in an accident arising out of her employment; petitioner had signed in but was not at work, she was looking for a place to park her vehicle and complete her journey to her place of employment. The ALJ concluded that the Board correctly charged petitioner's sick leave account for the 21 days she was absent while recovering from the accident. Petition was dismissed.

The Commissioner adopted the Initial Decision as his own.

<p>This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>
---

June 17, 2004

OAL DKT. NO. EDU 6418-03  
AGENCY DKT. NO. 150-5/03

FRANCES ELLIOTT, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF ATLANTIC : DECISION  
 CITY, ATLANTIC COUNTY, :  
 :  
 RESPONDENT. :  
 \_\_\_\_\_ :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner concurs that the Petition of Appeal is properly dismissed. Accordingly, the Initial Decision is adopted for the reasons set forth by the Administrative Law Judge.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: June 17, 2004  
Date of Mailing: June 17, 2004

---

\* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*