

MAUREEN PRICE, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
 OF WASHINGTON, BURLINGTON COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner – a full-time teacher in respondent’s district – filed a petition alleging that her tenure and seniority rights were violated when the Board notified in March 2007 that her position would be reduced from full-time to 60% as part of a reduction in force (RIF) for the 2007-08 school year. Prior to the commencement of the school year in September 2007, and during the pendency of the within action, petitioner was reinstated to a full-time teaching position. The Board moved to dismiss the petition as moot, but petitioner opposed the motion.

The ALJ found that because of the reinstatement, petitioner suffered no loss of compensation or other benefits. The ALJ determined that the matter has been rendered moot; and recommended that the petition be dismissed.

Upon a thorough and independent review of the record, the Commissioner concurred with the ALJ and adopted the Initial Decision as the final decision in this matter.

<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>

January 24, 2008

OAL DKT. NO. EDU 6121-07
AGENCY DKT. NO. 172-6/07

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions were filed in accordance with the prescriptions of *N.J.A.C.* 1:1-18.4. The Board did not file reply exceptions.

Petitioner’s exceptions renew her previously raised argument that her tenure and seniority rights were triggered – notwithstanding her subsequent assignment to a full-time position – upon her receipt of *notice* that her employment for the following year would be reduced from full-time to 60%. She, therefore, continues to contend that she “is entitled to a determination as to whether the Board’s action was lawful, and if the Board’s decision was unlawful, where [she] properly belongs on the District’s seniority list.” (Petitioner’s Exceptions at 3)

Upon review, the Commissioner determines to adopt the Initial Decision of the OAL, as she fully concurs with the ALJ that this matter is appropriately dismissed as moot. Petitioner was reinstated with no loss of compensation or benefits; she has, therefore, suffered no loss of position and no damage. As properly observed by the ALJ, further adjudication in this

matter is to no avail as all petitioner is left with here is “a theoretical issue that has no practical effect.” (Initial Decision at 3) (Also See *Wood v. Board of Education of the Borough of Pemberton, Burlington County*, Commissioner’s Decision No. 209-03, decided May 1, 2003)

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons stated therein and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 23, 2008

Date of Mailing: January 23, 2008

* 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.*