

CARTERET EDUCATION ASSOCIATION, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE BOROUGH : DECISION  
OF CARTERET, MIDDLESEX COUNTY :  
AND NILKANTH PATEL, :  
RESPONDENTS. :  
\_\_\_\_\_ :

SYNOPSIS

This case originated in an appeal in which petitioning education association challenged preferential treatment allegedly accorded the school business administrator/board secretary (SBA) with respect to payment for accumulated sick leave, in violation of statute and district policy. Respondent board denied the allegations; asserted that petitioner failed to comply with the 90-day rule of limitation set forth at *N.J.A.C. 6A:3-1.3(i)*; and filed motion for summary judgment. The ALJ dismissed petitioner's appeal for untimeliness, but the Commissioner rejected the initial decision of the OAL and remanded the matter for a hearing on its merits.

On remand, the ALJ notes that the respondent board removed the 128 days of accumulated sick leave at issue from the SBA's sick leave bank in November 2007, and that the respondents' had subsequently filed an unopposed motion to dismiss the petition as moot. The ALJ found that the controversy between the parties no longer exists, and granted respondents' motion to dismiss the petition.

After review of the record, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter.

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.

OAL DKT. NO. EDU 2602-07  
(EDU 2998-05 on remand)  
AGENCY DKT. NO. 81-3/05

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The record of this matter and the Initial Decision have been reviewed. No exceptions were filed by the parties. For the reasons set forth therein, the Commissioner adopts the Initial Decision of the Office of Administrative Law as the final decision in this case.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: November 19, 2008

Date of Mailing: November 19, 2008

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\* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36.