

#155-09 (OAL Decision: Not available online)

JAMES A. HENSEL, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF VOORHEES, :
 CAMDEN COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner appealed the Board’s decision not to renew his annual contract as a maintenance mechanic, contending that the Board failed to provide him with adequate and timely notice of his non-renewal. The petitioner filed a motion for summary decision; subsequently, the Board filed a cross-motion for summary decision.

The ALJ found, *inter alia*, that: the material facts are not in dispute, and the matter is ripe for summary decision; *N.J.S.A.* 18A:27-10, and the May 15 notice of nonrenewal deadline contained therein, does not apply to employees in nontenurable positions; petitioner received notice of nonrenewal in a timely manner pursuant to his annual contract and the contract between the Board and the Voorhees Township Education Association (CNA); and petitioner’s last evaluation – which concluded with a statement from his supervisor that clearly indicated he was recommending non-renewal of petitioner’s contract – constituted, pursuant to the CNA, notice of “any action which may possibly result in his....future dismissal or non-renewal of contract.” Accordingly, the ALJ concluded that petitioner’s appeal should be dismissed.

Upon careful and independent review of the record, the Commissioner concurred with the ALJ and adopted the Initial Decision of the OAL as the final decision in this matter. The petition was dismissed.

<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>

May 18, 2009

OAL DKT. NO. EDU 6545-08
AGENCY DKT. NO. 230-8/08

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The record of this matter, the Initial Decision of the Office of Administrative Law and the parties' exceptions have been reviewed. For the reasons set forth therein, the Commissioner adopts the Initial Decision as the final decision in this case.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 18, 2009

Date of Mailing: May 18, 2009

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