

BEVERLY GUSLER, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
STATE OPERATED SCHOOL : DECISION
DISTRICT OF THE CITY OF :
PATERSON, PASSSAIC COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner – a tenured teacher, now retired from the district – contested the Board’s denial of her claim for six additional workers’ compensation days, instead charging her for six sick days for time lost due to a work-related injury in February 2004. The case was put on the inactive list pending completion of the workers’ compensation matter, after which a hearing was held at the OAL in December 2009.

The ALJ found, *inter alia*, that: petitioner made claims for more than 30 work related injuries during the course of her 25 years of employment with the district; petitioner’s only documentary evidence in the record were multiple certificates of fitness from respondent’s workers’ compensation physician, which stated that her injuries resulted from bruising and presented dates upon which the physician had deemed petitioner able to return to work; petitioner’s testimony lacked credibility; and petitioner failed to prove that the Board’s rejection of her claim for additional workers’ compensation days rather than sick days was arbitrary, capricious, unreasonable, or not otherwise in accordance with the law. Accordingly, the ALJ ordered the instant petition dismissed.

Upon review, and in the absence of any basis in the record on which to dispute the fact-finding and credibility determinations of the ALJ, the Commissioner concurred that the petitioner failed to prove that the Board’s decision to reject the petitioner’s claim for additional workers’ compensation days was arbitrary, capricious or unreasonable. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter for the reasons expressed therein.

<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>
