

#101-15 (OAL Decision: Not yet available online)

ANDREA GOLAMY-SADIG, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF JERSEY CITY,
HUDSON COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner – a tenured teacher in respondent’s employ for approximately nine years – appealed the determination of the respondent Board to withhold her 2013-2014 salary increment, alleging that the Board’s actions were arbitrary, capricious and unreasonable. Petitioner was certified to teach kindergarten through eighth grade, but had always taught the upper grades until the spring of 2012, when she was reassigned to teach kindergarten. The Board contended that petitioner’s increment was withheld for good cause pursuant to *N.J.S.A. 18A:29-4*. Petitioner asserted, *inter alia*, that she was not provided with mentoring or guidance to assist her adjustment to the kindergarten classroom.

The ALJ found, *inter alia*, that: a salary increment is a reward for meritorious service, not an entitlement; pursuant to *N.J.S.A. 18A:29-14*, a board of education may withhold, for inefficiency or other good cause, the scheduled increments of any staff member in any year; a school board’s decision to withhold a salary increment is a matter of management prerogative and is entitled to a presumption of correctness; in challenging the loss of an increment, the petitioning party bears the burden of proof to demonstrate that the Board’s action was arbitrary, capricious, or without reason; petitioner herein acknowledged that she had difficulty teaching kindergarten during the 2012-2013 school year, despite being certified to teach at this grade level; petitioner’s argument that she did not have sufficient support to succeed was belied by her testimony detailing numerous examples of assistance provided to her, both prior to and during the 2012-2013 school year; and petitioner’s formal and informal evaluations provide feedback detailing her failure to improve and/or perform at a satisfactory level. The ALJ concluded that petitioner failed to prove – by a preponderance of the evidence – that the Board’s decision to withhold her increment was arbitrary, capricious or unreasonable. Accordingly, the ALJ denied petitioner’s challenge to her increment withholding.

Upon independent review and consideration, the Commissioner concurred with the ALJ that the petitioner failed to sustain her burden of establishing that the Board’s action was arbitrary, capricious or unreasonable. Accordingly, the Initial Decision of the OAL was adopted 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.
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March 18, 2015

OAL DKT. NO. EDU 14468-13
AGENCY DKT. NO. 203-8/13

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed pursuant to *N.J.A.C.* 1:1-18.4 by the petitioner, Andrea Golamy-Sadig, and the Jersey City Board of Education’s (Board) reply thereto.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) – for the reasons thoroughly stated in the Initial Decision – that the petitioner failed to prove that the Board’s decision to withhold her increment for the 2013-2014 school year was arbitrary, capricious or unreasonable. The Commissioner also finds the exceptions submitted by the petitioner to be unpersuasive. The petitioner’s exceptions largely replicate the arguments advanced at the OAL, which were fully considered and appropriately addressed by the ALJ in the Initial Decision. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 18, 2015
Date of Mailing: March 18, 2015

* Pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Superior Court, Appellate Division.