

IN THE MATTER OF THE DISQUALI- :
FICATION FROM SCHOOL : COMMISSIONER OF EDUCATION
EMPLOYMENT OF B.D.W. : DECISION
_____ :

SYNOPSIS

School bus driver appealed his disqualification from school employment pursuant to criminal record check.

Having reviewed the testimony and documents admitted into evidence, the ALJ concluded that appellant affirmatively demonstrated rehabilitation. ALJ ordered that appellant was not disqualified from employment as a school bus driver.

Commissioner adopted findings and determination in initial decision as his own, noting there was no cause to question the ALJ's assessment of petitioner's credibility. Thus, petitioner was deemed qualified for school employment as a school bus driver.

JULY 10, 1997

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon a careful and independent review of the record, the Commissioner adopts the findings and conclusion of the Administrative Law Judge (ALJ) that the within petitioner has demonstrated rehabilitation in accordance with *N.J.S.A. 18A:6-7.1* and *N.J.S.A. 18A:39-19.1* and is, therefore, qualified for school employment within the intent of the criminal history record check laws.* It is observed that in reaching this decision, the Commissioner had no cause to question the ALJ's assessment of petitioner's credibility, as such assessment is not belied by the record. Moreover, it was the ALJ who had the opportunity to hear petitioner's sworn testimony and to observe his demeanor, so that she was in the optimum position to make such determination.

Accordingly, for the reasons expressed therein, the Commissioner adopts the initial decision as the final decision in this matter. Petitioner is deemed qualified for school employment as a school bus driver.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

JULY 10, 1997

* In affirming the ALJ's decision, the Commissioner notes that he is cognizant that petitioner's record reveals that his last disqualifying offense occurred ten years ago.