

MICHAEL P. RUSSO, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF BURLINGTON,
BURLINGTON COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioning teacher, who allegedly suffered a work-related injury, sought restoration of sick leave and personal leave pursuant to *N.J.S.A.* 18A:30-2.1.

ALJ determined that as petitioner voluntarily chose not to pursue his Workers' Compensation claim, his claim under the sick leave statute must be dismissed.

Commissioner adopted findings and determination in initial decision as his own.

SEPTEMBER 29, 1997

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

Upon his review, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that, as petitioner has elected not to pursue his Workers' Compensation claim, his within claim under the school law sick leave statute, *N.J.S.A.* 18A:30-2.1, must be dismissed.*

Accordingly, the initial decision of the OAL is adopted as the final decision in this matter for the reasons clearly stated therein, and the within Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

SEPTEMBER 29, 1997

* The Commissioner clarifies the ALJ's discussion at page 3 of the initial decision by noting that awards under *N.J.S.A.* 18A:30-2.1 are not necessarily conditioned upon presentation of a Workers' Compensation claim, as, for example, when the duration of the absence is insufficiently long to be eligible for such presentation. See *Steven B. Hern v. Board of Education of the City of Union City, Hudson County*, decided by the Commissioner May 8, 1991, aff'd State Board of Education August 7, 1991, rev'd and remanded Appellate Division, A-339-91T3, October 23, 1992, remanded State Board of Education March 3, 1993.