

SAMUEL SCHOONOVER,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
ATLANTIC COUNTY VOCATIONAL-	:	
TECHNICAL SCHOOL DISTRICT,	:	
ATLANTIC COUNTY AND THE	:	
TEACHERS' PENSION AND	:	
ANNUITY FUND,	:	
	:	
RESPONDENTS.	:	

SYNOPSIS

Petitioner, spouse of a deceased school employee, contended the Board improperly categorized his wife as resigned rather than on leave of absence, thereby depriving him of benefits at her death.

ALJ concluded that since petitioner's cause of action arose, at the very latest, at the time of his discussion with the Board's secretary in the spring of 1995, his petition filed in April 1996 was time barred under the 90-day provisions of *N.J.A.C. 6:24-1.2(c)*.

Commissioner adopted the initial decision as his own. Petition was dismissed as untimely filed.

OCTOBER 2, 1997

OAL DKT. NO. EDU 6474-96
AGENCY DKT. NO. 139-4/96

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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 agrees with the conclusion of the Administrative Law Judge that the within petitioner's cause of action in this matter arose, at the very latest, at the time of his discussion with the Board's secretary in the spring of 1995 and, as such, his Petition of Appeal in the instant matter, filed in April 1996, is time barred under the 90-day provisions of *N.J.A.C.* 6:24-1.2(c).

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

IT IS SO ORDERED.

OCTOBER 2, 1997

COMMISSIONER OF EDUCATION