

RITA M. ARLEQUIN AND  
JOYCELYN E. ALSUP,

PETITIONERS,

V.

BOARD OF EDUCATION OF THE  
CITY OF PERTH AMBOY,  
MIDDLESEX COUNTY,

RESPONDENT.

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COMMISSIONER OF EDUCATION

DECISION

### SYNOPSIS

Petitioning teachers sought retroactive additional compensation from the Board for the achievement of their Master's Degrees in May 1989.

ALJ concluded that the petition was untimely filed pursuant to the 90-day rule in that petitioners' cause of action in this matter arose in September 1989 when, with the receipt of their first paychecks for the 1989-90 school year, they knew, or should have known, that the Board had failed to adjust their salaries to reflect their receipt of Master's Degrees.

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

OAL DKT. NO. EDU 2578-97  
AGENCY DKT. NO. 74-3/97

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| RITA M. ARLEQUIN AND      | : |                           |
| JOYCELYN E. ALSUP,        | : |                           |
|                           | : |                           |
| PETITIONERS,              | : |                           |
|                           | : |                           |
| V.                        | : | COMMISSIONER OF EDUCATION |
|                           | : |                           |
| BOARD OF EDUCATION OF THE | : | DECISION                  |
| CITY OF PERTH AMBOY,      | : |                           |
| MIDDLESEX COUNTY,         | : |                           |
|                           | : |                           |
| RESPONDENT.               | : |                           |
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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 careful and independent review, the Commissioner agrees with the conclusion of the Administrative Law Judge that the within Petition of Appeal must be dismissed as untimely filed. Specifically, he determines that petitioners' cause of action in this matter arose in September 1989 when, with the receipt of their first paychecks for the 1989-90 school year, they knew, or should have known, that the Board had failed to adjust their salaries to reflect their receipt of Master's Degrees. (See *Kaprow, supra*; *North Plainfield, supra*.) As such, their Petition of Appeal, filed in March\* 1997, must be dismissed as untimely pursuant to the 90-day time limit requirement of *N.J.A.C. 6:24-1.2(c)*.

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\* It is noted that the initial decision erroneously states that the within Petition of Appeal was filed in February 1997. The within record, rather, reflects that the filing date was March 3, 1997.

Accordingly, the initial decision of the OAL is affirmed. The Board's Motion to Dismiss is hereby granted and the within Petition of Appeal is dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date: December 4, 1997