

IN THE MATTER OF THE TENURE :
HEARING OF JERRY GRANATO, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION
OF WOODBRIDGE, MIDDLESEX COUNTY. :
_____:

SYNOPSIS

Petitioning Board certified tenure charges of unbecoming conduct against respondent custodian for allegedly engaging in physical labor while out of work on sick leave.

ALJ dismissed tenure charges finding that there was not sufficient evidence to warrant the conclusions that respondent was committing fraud against the system or that removal of tenure was necessary. ALJ ordered respondent returned to his position with compensation.

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

December 15, 1997

OAL DKT. NO. EDU 00032-97
AGENCY DKT. NO. 579-12/96

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The record of this matter, including a videotape, 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, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge (ALJ) that respondent's actions, as proven, do not constitute unbecoming conduct for the reasons expressed therein. In so ruling, the Commissioner is satisfied that the ALJ considered all testimony and weighed its content according to the credibility of the witnesses and the consistency of testimony with evidence presented. Thus, he finds no basis to challenge the ALJ's determinations and resultant conclusions dismissing the charges against respondent. *In re Morrison*, 216 N.J. Super. 143 (App. Div. 1987).

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein and this matter is dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

December 15, 1997