

CAROL ROSBERGER,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
CITY OF SUMMIT, UNION COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner, tenured elementary teacher, alleged the Board withheld her employment and adjustment increments for the 1994-95 school year in an arbitrary, capricious and unreasonable manner.

ALJ found that petitioner's unsatisfactory performance was supported by the record. ALJ concluded that petitioner failed to establish by a preponderance of credible evidence that the Board's action withholding her increment was improper. Petition was dismissed.

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

December 23, 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 a careful and independent review of the record in this matter, the Commissioner affirms the initial decision of the OAL in that he concurs with the Administrative Law Judge that petitioner failed to meet her burden of establishing, by a preponderance of the credible evidence, that the Board's withholding of her increment was arbitrary, capricious, unreasonable, or based on improper motives. *Kopera v. West Orange Board of Education*, 60 N.J. Super. 288 (App. Div. 1960)

Accordingly, the recommended initial decision 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

December 23, 1997