

WILLIAM MOLINARI, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 BOROUGH OF HOPATCONG, SUSSEX :
 COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioning custodian contested Board's denial of compensation, pursuant to *N.J.S.A.* 18A:30-2, for absences as a result of his work-related injury.

ALJ concluded that the petition was not filed within 90 days of the date of notification by the Board of its position regarding the treatment of the absences in question, pursuant to *N.J.A.C.* 6:24-1.2(c), and that the 90-day rule should not be relaxed. ALJ granted the Board's motion to dismiss; petition was dismissed.

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

December 29, 1997

OAL DKT. NO. EDU 3174-97
AGENCY DKT. NO. 28-1/97

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and the Board's reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in rendering the within decision.¹

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner's claims pursuant to *N.J.S.A.* 18A:30-2.1 are properly dismissed as untimely, and that petitioner provides no cause to relax the 90-day rule pursuant to *N.J.A.C.* 6:24-1.15.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein and the Board's motion to dismiss this matter is hereby granted.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

December 29, 1997

¹ Petitioner's exceptions are a verbatim reiteration of those arguments presented to the ALJ, which, the Commissioner finds, were fully and fairly considered by her, as well.