

DIANE WALLER-MORGAN,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
STATE-OPERATED SCHOOL DISTRICT	:	DECISION
OF THE CITY OF JERSEY CITY, HUDSON	:	
COUNTY,	:	
	:	
RESPONDENT.	:	
	:	
_____	:	

SYNOPSIS

Petitioner, tenured teaching staff member, alleged the Board failed to pay full salary without loss of sick time for work-related injury due to assaults by students.

ALJ concluded petitioner's claims were barred as untimely filed pursuant to *N.J.A.C. 6:24-1.2(c)*. After medical examination approving petitioner's return to work, petitioner was notified by letter dated November 18, 1996 that her absences from September 1996 were not being treated as work-related. Thus, November 18 was the date of accrual of her claim for relief. Moreover, since she alleged the injuries from the same accidents at school in January and February 1996 were the basis for her continuing absence and gave rise to her claim for continuation of salary from November 27, 1996, with no deduction from sick days, the date of accrual for this claim was also the notification date of November 18, 1996. Therefore, the ALJ concluded the claims were untimely filed; petition was dismissed.

Commissioner adopted the initial decision as his own.

MAY 11, 1998

OAL DKT. NO. EDU 3356-97  
AGENCY DKT. NO. 104-3/97

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record in this matter, the Commissioner concurs that petitioner's claims are barred by *N.J.A.C.* 6:24-1.2(c). In so finding, the Commissioner notes that petitioner specifically sought restoration of all sick days deducted from her sick leave bank between September 3, 1996 and November 27, 1996, as well as full wages with no deduction of sick days from November 27, 1996 to February 14, 1997. (Petition of Appeal at p. 3) As the District contends, "The only basis for petitioner's claim for payment of full salary is that her absences were the result of injuries allegedly sustained from an accident at work on February 14, 1996 and should have been compensated pursuant [to] *N.J.S.A.* 18A:30-2.1 without deduction from her sick days." (District's Motion to Dismiss at p. 12, citing to Petition of Appeal at paragraphs 3, 4) However, as determined by the ALJ, petitioner was duly notified

by letter dated November 18, 1996 that her absences from September 1996 would not be treated as compensable for a work-related accident. (Initial Decision at p. 3)

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein.\*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

MAY 11, 1998

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\* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.