

LUCIAN JANIK, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE : DECISION  
 CITY OF CAMDEN, CAMDEN :  
 COUNTY. :  
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SYNOPSIS

Petitioner, former Director of Vocational Education whose position was abolished in 1997, claimed entitlement to any principalship held by a nontenured staff member.

ALJ concluded that when petitioner filed his petition, he had no employment relationship or tenure rights with the Board as he retired on June 30, 1997. ALJ determined that the fact that petitioner disagreed with the Board's legal conclusions concerning his tenure entitlements prior to the conclusion of his employment was irrelevant. When petitioner filed his petition he had no standing to make any of the claims set forth because he no longer had any employment relationship with the Board. Moreover, the ALJ found that even if the Commissioner were to consider the petition on the merits, petitioner had established no right to relief. Pursuant to *N.J.A.C. 6:11-3.3(b)*, petitioner's tenure rights attached only to the position of director, which was abolished and to the position of supervisor. Petitioner never served in the position of principal. (*Nelson*) ALJ granted the Board's motion to dismiss.

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

SEPTEMBER 4, 1998

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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.<sup>1</sup>

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that summary decision may properly be granted to the Board, inasmuch as petitioner not only lacks the legal standing to bring the within petition, but, even assuming, *arguendo* that he had such standing, his claims, as clearly articulated by the ALJ, are without merit.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein. The within Petition of Appeal is hereby dismissed.<sup>2</sup>

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

SEPTEMBER 4, 1998

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<sup>1</sup> Both the exceptions and the reply thereto reiterate arguments which were presented to the ALJ, and were fully and fairly considered by her, as well.

<sup>2</sup> 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.