

JULIA ANN FULLER, :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
CITY OF ORANGE, ESSEX COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner, nontenured social worker, contested her termination of employment by the Board, alleging violations of due process rights.

In 1995 initial decision, the ALJ concluded that the Board properly terminated petitioner. Petition was dismissed. Commissioner reviewed the initial decision of the ALJ and determined that the record of the matter required reconstruction due to apparent loss prior to transmittal to Commissioner. Thus, the Commissioner remanded the matter to the OAL for further proceedings, as the Commissioner was unable to render a final determination absent a careful and independent review of the record.

On remand, the ALJ found that the parties were unable to locate the exhibits moved into evidence in the prior docket but that the parties did not dispute the stipulations or findings of fact set forth in the 1995 initial decision. Petition was dismissed.

Commissioner concurred with the ALJ that this matter was properly dismissed.

December 11, 1998

OAL DKT. NOS. EDU 9323-96 and EDU 883-94 (On Remand)  
AGENCY DKT. NO. 404-12/93

JULIA ANN FULLER, :  
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 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
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 BOARD OF EDUCATION OF THE : DECISION ON REMAND  
 CITY OF ORANGE, ESSEX COUNTY, :  
 :  
 RESPONDENT. :  
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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record, the Commissioner concurs with the Administrative Law Judge (ALJ) that this matter is properly dismissed.<sup>1</sup> Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein.<sup>2</sup>

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

December 11, 1998

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<sup>1</sup> Notwithstanding the ALJ's discussion in her prior decision in this matter, issued December 4, 1995, *Julia Ann Fuller v. Board of Education of the City of Orange, Essex County*, OAL Dkt. No. 883-94, the specific due process requirements which attach to matters arising under *N.J.S.A. 18:27-10* concerning the nonrenewal of a nontenured teaching staff member do not appear germane to the instant matter which, the parties agree, concerns the termination of a nontenured teacher in accordance with the terms of her contract.

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<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.