

OLD BRIDGE EDUCATION ASSOCIATION :
ET AL., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWN- :
SHIP OF OLD BRIDGE, MIDDLESEX : DECISION
COUNTY, :
RESPONDENT. :
:

SYNOPSIS

Petitioning Education Association and certified school nurses alleged that the Board retained unqualified, uncertified nurses in violation of statute and in violation of their rights.

ALJ found that there was no genuine issue as to any material fact as the parties and facts in this case were essentially the same as in two prior cases that were already litigated. ALJ determined that the fundamental principles of *res judicata* and collateral estoppel precluded petitioners from further litigating this matter. ALJ granted respondent's motion for summary decision. Petition was dismissed.

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

OLD BRIDGE EDUCATION ASSOCIATION :
ET AL., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWN- : DECISION
SHIP OF OLD BRIDGE, MIDDLESEX :
COUNTY, :
RESPONDENT. :
:

The record and initial decision rendered by the Office of Administrative Law have been reviewed. The Board's exceptions in support of the findings and determination of the Administrative Law Judge were timely filed pursuant to *N.J.A.C.* 1:1-18.4.

Upon review of the record and respondent's exceptions, the Commissioner agrees with the conclusions of law reached by the Administrative Law Judge that the fundamental principle of *res judicata* and collateral estoppel preclude further litigation of this matter because the issues and facts presented herein are essentially the same as those litigated in two prior cases involving the same parties. Consequently, the Commissioner adopts as his own the recommended order of the Administrative Law Judge granting the Old Bridge Board of Education's Motion for Summary Decision and dismissing the Petition of Appeal. *

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

May 6, 1999

* 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.