

SALLY A. YAFFEE, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION

TOWNSHIP OF WOODBRIDGE, :

MIDDLESEX COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioning teacher contended that the Board wrongfully failed to pay her salary for time lost due to a work-related injury in violation of *N.J.S.A.* 18A:30-2.1.

At the OAL this matter was consolidated with two other matters involving the Board in which the identical issue was raised. All three matters were placed on the inactive list until such time as a workers' compensation judge rendered a decision on whether petitioners' injuries arose out of and in the course of their employment. Pending that decision, petitioner resolved her workers' compensation case with the Board and requested dismissal of this matter with prejudice. The ALJ determined that it is no longer appropriate to consolidate the three cases and ordered the cases severed. Additionally, the ALJ dismissed this matter with prejudice since the issue involving the education laws has been resolved as a result of the decision in the companion workers' compensation case.

The Commissioner adopted the recommendation of the ALJ severing the matter herein from several other matters with which it was previously consolidated and dismissing the instant matter with prejudice for the reasons set forth in the initial decision.

SEPTEMBER 7, 1999

OAL DKT. NO. EDU 2984-96
AGENCY DKT. NO. 113-3/96

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

Upon review of the record, the Commissioner adopts the recommendation of the Administrative Law Judge severing the matter herein from several other matters with which it was previously consolidated and dismissing the instant matter with prejudice for the reasons set forth in the initial decision.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

SEPTEMBER 7, 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.