

TRICIA MEZZACAPPA, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
THE SAMUEL DeWITT PROCTOR : DECISION
ACADEMY CHARTER SCHOOL, :
MERCER COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner contended that her termination from employment as Business Manager/Board Secretary by respondent charter school was arbitrary, capricious and unreasonable. Petitioner sought compensation for the balance of salary due under her contract.

Based upon the evidence and an assessment of the witnesses, the ALJ found that the Board did not act arbitrarily or unreasonably when it decided that it was best to terminate this employee, who had left work without permission twice and, on occasion, was uncooperative and resistant to direction. The ALJ concluded that petitioner failed to establish that the Board acted in an arbitrary fashion.

Commissioner found that petitioner failed to establish that the Board's action terminating her from her position was in violation of her constitutional or statutory rights and, therefore, such action was not to be disturbed by the Commissioner. Petition was dismissed.

OAL DKT. NO. EDU 00792-99S
AGENCY DKT. NO. 27-2/99

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon his independent and careful review of the record of this matter, the Commissioner finds that petitioner has failed to establish that the Board's action terminating her from her position was in violation of her constitutional or statutory rights and, therefore, such action may not be disturbed by the Commissioner.

Accordingly, the Initial Decision determination of the OAL recommending dismissal of the within Petition of Appeal is hereby affirmed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

November 15, 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.