

CHARLES FREYBERGER :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF SCOTCH PLAINS- :
FANWOOD, UNION COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner, teacher of the handicapped and tenured school social worker, challenged Board's decision to withhold his increment for the 1997-98 school year.

ALJ determined that before filing, petitioner waited more than 90 days after receiving the letter advising him of the withholding. ALJ further concluded that the circumstances of this case do not warrant relaxation of the 90-day time limit. Thus, the ALJ ordered the petition dismissed as untimely filed.

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

OAL DKT. NO. EDU 9513-97
AGENCY DKT. NO. 293-8/97

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

Upon review of the record in this matter, the Commissioner adopts the determination of the Administrative Law Judge as set forth in the initial decision. Consequently, the Petition of Appeal is hereby dismissed.*

COMMISSIONER OF EDUCATION

February 22, 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.