

344-00

LUCY SHERIDAN, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL DISTRICT : DECISION
 OF THE CITY OF PATERSON, PASSAIC :
 COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioning school nurse alleged the District wrongfully deducted time from her sick leave bank in violation of *N.J.S.A. 18A:30-2.1*.

The ALJ dismissed the petition on a summary basis, finding that petitioner filed her claim with the Commissioner after her Workers' Compensation claim had already been settled under Section 20.

The Commissioner concurred with the ALJ that the within petition was properly dismissed since petitioner knowingly relinquished any claim that she may have had pursuant to *N.J.S.A. 18A:30-2.1* when she accepted her Section 20 settlement before the Division of Workers' Compensation.

October 16, 2000

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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 in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that the within appeal is properly dismissed on a summary basis, since petitioner knowingly relinquished any claim she may have had pursuant to *N.J.S.A. 18A:30-2.1* when she accepted her “Section 20” settlement before the Division of Workers’ Compensation. As the ALJ noted, “it is clear from petitioner’s testimony [before the Division of Workers’ Compensation] that the \$10,000 settlement figure represented the amount she believed to be the sum total of her sick days used.” (Initial Decision at 5)¹

¹ To the extent this matter might be considered untimely, the Commissioner notes that the District failed to raise this claim, and the parties did not specifically brief this issue. Under the circumstances, the Commissioner reaches the merits of this matter.

Accordingly, the Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: October 16, 2000

Date of Mailing: October 18, 2000

² This decision, as the Commissioner's final determination, 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. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.