

PAUL MEDEIROS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL : DECISION
 DISTRICT OF THE CITY OF :
 JERSEY CITY, HUDSON :
 COUNTY, :
 :
 RESPONDENT. :
 :

SYNOPSIS

Petitioner, a tenured teaching staff member, appealed the District's denial of a bonus check for perfect attendance during the first half of the 1995-96 school year and sought restoration of sick leave for absences beginning on November 21, 1996 which the District charged to his sick leave bank.

The ALJ concluded that petitioner was not entitled to the bonus since he was absent on December 6, 1995 after sustaining an injury which petitioner failed to prove was work related, and, even assuming that such absence was work related, the Attendance Incentive Plan only excused absences for death in the immediate family, jury duty or an approved professional day. As to petitioner's claim that the District wrongfully charged to his sick bank his absences beginning on November 21, 1996, the ALJ determined that petitioner did not sustain his burden since he neither sought nor received a determination from the Division of Workers' Compensation that his absences were work related.

The Commissioner affirmed the Initial Decision for the reasons stated therein.

OAL DKT. NOS. EDU 5958-96 and EDU 5353-97 (CONSOLIDATED)
AGENCY DKT. NOS. 168-5/96 and 103-3/97

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

Upon his independent review of the record in this matter, the Commissioner agrees with the conclusion of the Administrative Law Judge (ALJ) that petitioner was ineligible for a bonus check for perfect attendance during the first half of the 1995-96 school year and, therefore, such check was not wrongfully withheld by the District. Similarly, the Commissioner is in agreement with the ALJ's conclusion that, because there is no indication that petitioner has sought or received a determination from the Division of Worker's Compensation that his absences beginning on November 21, 1996 were the result of a work-related injury, he has not sustained his burden of proof that such absences were improperly charged to his sick leave bank by the District.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons stated therein and the instant consolidated Petitions of Appeal are hereby dismissed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 24, 2000

* 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.