

66-01

FLORENCE FRABIZIO, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF : DECISION
FARMINGDALE, MONMOUTH COUNTY, :
RESPONDENT. :
_____:

SYNOPSIS

Petitioning administrative secretary challenged the Board's refusal to restore sick and vacation time for the period she was absent from work because of a temporary disability. The Board argued that the petition was not timely filed and challenged the restoration of sick and vacation time.

The ALJ determined that, because a judge of Workers' Compensation awarded petitioner temporary disability benefits, she is entitled, pursuant to statute, to receive full salary for a period not to exceed one year while temporarily disabled. The ALJ thus ordered that petitioner be restored all sick and vacation days for the period from November 19, 1998 to November 18, 1999.

The Commissioner affirmed the decision of the ALJ for the reasons stated therein.

February 26, 2001

OAL DKT. NO. EDU 10050-99
AGENCY DKT. NO. 289-9/99

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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 agrees with and adopts as his own the findings and legal conclusions reached by the Administrative Law Judge that the petition of appeal in this matter was timely filed pursuant to *N.J.A.C.* 6:24-1.2(c) and that, from November 19, 1998 to November 18, 1999, respondent may not charge petitioner with the use of sick days or vacation time because of her absence from work. *N.J.S.A.* 18A:30-2.1.

Accordingly, for the reasons set forth in the Initial Decision, petitioner's motion for summary judgment is granted.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 26, 2001

Date of Mailing: February 26, 2001

* 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.