

214-01

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

SYNOPSIS

Petitioner challenged the withholding of his salary increment for the 2000-2001 school year.

The ALJ concluded that respondent had demonstrated a reasonable basis for withholding petitioner's increment, and that petitioner had failed to demonstrate that the withholding of his increment was arbitrary, capricious or unreasonable.

The Commissioner affirmed the decision of the ALJ.

July 9, 2001

OAL DKT. NO. EDU 9193-00
AGENCY DKT. NO. 338-10/00

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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, the Commissioner determines to affirm the Initial Decision. As noted therein, it is petitioner's burden to prove, by a preponderance of credible evidence, that the District's decision to withhold his increment was arbitrary, capricious or unreasonable. *See, Kopera, supra.* Finding no cause to disturb the findings of fact, credibility determinations and conclusions of the ALJ, the Commissioner concurs that petitioner has failed to meet his burden.

Accordingly, the within Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 9, 2001

Date of Mailing: July 16, 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.