

SARAH DICKERSON,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF PITTSBURGH,	:	DECISION
SALEM COUNTY,	:	
	:	
RESPONDENT.	:	
	:	
_____	:	

SYNOPSIS

Petitioning teaching staff member alleged the Board's decision to withhold her increment for the 2003-04 school year was arbitrary and capricious.

The ALJ determined that the Board notified petitioner of its action to withhold her increment on May 8, 2003. Petitioner filed a deficient petition of appeal on August 15, 2003, beyond the 90-day requirement. The ALJ concluded that petitioner filed her appeal out of time pursuant to *N.J.A.C. 6A:3-1.3(d)*. Moreover, the ALJ found no basis to relax the time limitations. Petition was dismissed.

The Commissioner adopted the Initial Decision as his own.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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May 3, 2004

SARAH DICKERSON, :
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 BOARD OF EDUCATION OF THE :
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 :
 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions were untimely filed pursuant to *N.J.A.C.* 1:1-18.4(a), in that the Initial Decision was mailed to the parties on March 31, 2004 and the exceptions were filed on April 14, 2004, outside the 13-day period prescribed by regulation. Accordingly, neither the exceptions nor the reply thereto is considered in the Commissioner's determination of this matter.

Upon careful and independent review of the record, the Commissioner concurs with the Administrative Law Judge that this matter is untimely, pursuant to *N.J.A.C.* 6A:3-1.3(d), and there is nothing herein which warrants relaxation of the filing requirement. *N.J.A.C.* 6A:3-1.16.

Accordingly, the Initial Decision is adopted for the reasons expressed therein and amplified above. The Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 3, 2004

Date of Mailing: May 3, 2004

* This decision 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.*