

MARGARET CREWS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE CITY : DECISION
 OF HACKENSACK, BERGEN COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner – a teacher in the Hackensack School District – challenged the respondent’s denial of her request for reimbursement of legal fees incurred in connection with her defense against a criminal complaint for disorderly conduct in April 2004. Petitioner claimed indemnification for her legal fees pursuant to *N.J.S.A. 18A:16-6* and *N.J.S.A. 18A:16-6.1*.

The ALJ found, *inter alia*, that petitioner’s arrest occurred off of school property, at a time when she had abandoned her place of employment, and was neither in the course of educating children nor in the course of attempting to fulfill her accompanied medical test obligation under the substance abuse program by which she was bound; petitioner’s disorderly conduct charge neither arose out of nor arose in the course of the performance of her duties as a teacher; and petitioner has not satisfied the statutory requirement for reimbursement of her legal fees. Accordingly, the ALJ concluded that petitioner is not entitled to reimbursement, and ordered the petition dismissed.

Upon a thorough and independent review, the Commissioner fully concurs with the ALJ’s conclusion, and adopts the Initial Decision of the OAL as the final decision in this matter.

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.

May 31, 2007

OAL DKT. NO. EDU 7629-06
AGENCY DKT. NO. 193-5/06

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions – dated and mailed on May 16, 2007, and filed with the Agency on May 21, 2007 – were untimely pursuant to *N.J.A.C. 1:1-18.4*¹ and, consequently, these and the Board’s reply exceptions were not considered herein.

Upon her full and independent review, the Commissioner is in full accord with the Administrative Law Judge’s conclusion – for the reasons clearly detailed in his decision – that petitioner is not entitled to indemnification for legal fees and expenses, pursuant to *N.J.S.A 18A:16-6* and *N.J.S.A. 18A:16-6.1*, incurred in the defense of a criminal charge of disorderly conduct as such charge neither arose out of nor in the course of the performance of her duties as a teacher.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: May 31, 2007

Date of Mailing: May 31, 2007

¹ *N.J.S.A. 1:1-18.4(a)* specifies: “Within 13 days from the date the judge’s initial decision was mailed to the parties, any party may file written exceptions with the agency head.***” OAL papers indicate that the instant Initial Decision was mailed to the parties on May 3, 2007. As such, any exceptions to this decision were required to be *filed with*, not mailed to, the Agency on May 16, 2007.

² 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.*