

#366-09 (OAL Decision: Not available online)

WINTHROP McGRIFF, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF : DECISION
THE TOWNSHIP OF ORANGE,
ESSEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner, a non-tenured part-time athletic director employed by respondent Board, asserts that his contract of employment was improperly terminated, and that the actions of the Board were arbitrary, capricious and unreasonable. The Board contends that the case involves contract claims that do not require an interpretation of the school laws, and therefore the petition should be dismissed for lack of jurisdiction.

The ALJ found, *inter alia*, that: it is well established that contractual claims by non-tenured school employees do not invoke the Commissioner's jurisdiction because they do not arise under the school laws; and petitioner's claims in the instant matter arise squarely under his contract of employment. The ALJ concluded that petitioner's claims do not arise under the school laws, but rather as contractual claims that fall outside of the Commissioner's jurisdiction. Accordingly, the ALJ granted the Board's motion for summary decision and dismissed the petition.

The Commissioner concurred with the ALJ and adopted the Initial Decision as the final decision in this matter. The petition was dismissed for lack of jurisdiction.

<p>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.</p>

November 6, 2009

OAL DKT. NO. EDU 3403-09
AGENCY DKT. NO. 24-2/09

WINTHROP McGRIFF, :
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 PETITIONER, :
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 V. : COMMISSIONER OF EDUCATION
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 BOARD OF EDUCATION OF : DECISION
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were submitted by the parties.

Upon said review, the Commissioner concurs with the Administrative Law Judge that petitioner's allegations sound in contract law, rather than school law. Accordingly, the Commissioner dismisses the petition for lack of jurisdiction.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: November 6, 2009

Date of Mailing: November 6, 2009

* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.