

ARLENE FIORE, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF : DECISION
 MORRIS SCHOOL DISTRICT, :
 MORRIS COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner, a bus driver employed by respondent Board, sought restoration of sick time for injuries sustained in 2002 in the course of employment, pursuant to *N.J.S.A.* 18A:30-2.1. The matter was placed on the inactive list pending settlement of the Worker's Compensation case. On February 13, 2009, counsel for petitioner advised that the workers' compensation matter had been resolved, but requested that the matter remain on inactive status.

Subsequently, after repeated and unanswered attempts by the ALJ and counsel for respondent to obtain a status update from petitioner's counsel, a peremptory hearing date was scheduled for April 26, 2011; counsel for petitioner was directed to confirm no later than April 15, 2011 that she would appear for the April 26 hearing, or the matter would be dismissed. No confirmation was received from petitioner's counsel.

Accordingly, the ALJ found that the matter should be dismissed with prejudice.

The Commissioner concurred with the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter.

<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>

OAL DKT. NO. EDU 7552-03
AGENCY DKT. NO. 160-5/03

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon full review, the Commissioner concurs with the Administrative Law Judge that this matter is appropriately dismissed.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons fully detailed therein and the instant petition of appeal is hereby dismissed with prejudice.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 3, 2011

Date of Mailing: June 3, 2011

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).