

#239-11 (OAL Decision: Not yet available online)

AMPARO BISHOP, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF PISCATAWAY, :
 MIDDLESEX COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

On September 1, 2010, the petitioner – a secretary in the Piscataway School District – filed an appeal alleging that the respondent Board improperly charged petitioner’s sick leave bank for absences attributable to a work-related injury. Petitioner contends that she was injured in a work-related accident on January 10, 2002. Her worker’s compensation claim in that matter was settled by an Order dated May 4, 2007.

The ALJ found that: there are no material facts in dispute, and the matter is ripe for summary judgment; the 90-day period for filing an appeal begins once notice of the final order or ruling is given, which in this case occurred on May 4, 2007 – the date of the Order approving settlement of petitioner’s worker’s compensation claim; the instant petition was filed well after the 90-day period set forth in *N.J.A.C. 6A:3-1.3(i)*; and there is no cause for relaxation of the 90-day rule. Accordingly, the ALJ granted summary decision to the respondent Board, and dismissed the petition.

Upon full consideration of the record and Initial Decision of the OAL, the Commissioner concurred with the ALJ for the reasons detailed in the Initial Decision, and dismissed the petition.

<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>

June 24, 2011

OAL DKT. NO. EDU 13897-10
AGENCY DKT. NO. 703-12/10

AMPARO BISHOP, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF PISCATAWAY, :
 MIDDLESEX COUNTY, :
 :
 RESPONDENT. :

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 consideration, the Commissioner concurs with the Administrative Law Judge that the instant petition is appropriately dismissed because it was filed well outside the 90-day limitation period set forth in *N.J.A.C. 6A:3-1.3(i)*. The Commissioner, likewise concurs that petitioner has failed to set forth a bona fide legal or factual basis warranting relaxation of the timely filing requirement.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons stated therein. Summary decision is granted to the Board and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 24, 2011

Date of Mailing: June 24, 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)*.