

#268-12 (OAL Decision: Not yet available online)

RONALD EVANS,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE BOARD OF EXAMINERS,	:	DECISION
	:	
RESPONDENT.	:	

SYNOPSIS

Pro-se petitioner appealed the respondent’s September 2010 denial of his application for issuance of Teacher of Students with Disabilities and Teacher of Elementary School (K-5) instructional certificates. The respondent based the denial on its determination that petitioner failed to meet the requirements for the issuance of these certificates, and filed a motion to dismiss the petition as it was filed well beyond the 90-day limitation period set forth in *N.J.A.C.* 6A:3-1.3(i).

The ALJ found, *inter alia*, that: the State Board of Examiners (Board) issued its denial of petitioner’s application on September 16, 2010, and such decision was mailed to petitioner on September 22, 2012; the Board’s decision specifically instructed that appeals to the Commissioner must be made pursuant to *N.J.S.A.* 18A:6-9 and *N.J.A.C.* 6A:3-1.1 et seq.; petitioner did not file his appeal until March 7, 2011; and accordingly the petition is time-barred under the ninety-day rule as no compelling reason was presented for relaxation of the rule. The ALJ dismissed the petition.

Upon review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter and dismissed the petition.

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.

June 27, 2012

OAL DKT. NO. EDU 4509-11
AGENCY DKT. NO. 60-3/11

RONALD EVANS,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE BOARD OF	:	DECISION
EXAMINERS,	:	
	:	
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 Board of Examiners' Motion to Dismiss is appropriately granted as the instant petition was filed well outside the 90 day limitation period set forth in *N.J.A.C. 6A:3-1.3(i)* and the record provides no reason whatsoever for relaxation of this rule.

Accordingly, the recommended decision of the OAL is adopted for the reasons clearly articulated therein and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 27, 2012

Date of Mailing: June 27, 2012

* 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)*.