

New Jersey Commissioner of Education

Final Decision

Sterling Education Association, individually
and on behalf of member Simone Colancecco,

Petitioner,

v.

Board of Education of the Sterling Regional
School District, Camden County,

Respondent.

Synopsis

Petitioner Sterling Education Association, on behalf of member Simone Colancecco, challenged the findings of the respondent Board's (Board) Affirmative Action investigation into an alleged violation of the Board's sexual harassment policy. Petitioner complained that the Board's investigation – which did find that a violation of the policy had occurred when Ms. Colancecco's former male supervisor sent her emails and text messages with sexual overtones – failed to substantiate an additional allegation that she had been groped. Further, the investigation found that any conduct with respect to the groping allegation was not gender-based. The Board's investigation resulted in the perpetrator's suspension from employment and subsequent resignation. Here, the petitioner challenged the Board's determination that the alleged groping incident did not amount to sexual harassment. The Board filed a motion to dismiss in lieu of an answer to the petition.

The ALJ found, *inter alia*, that: Ms. Colancecco's claim of sexual harassment was proven through the investigation and accepted by the Board, so there is no actual controversy for the Commissioner to resolve herein; the Commissioner need not consider appeals of a portion of a Board's findings where the overall decision has agreed with the complainant; in this case, the Board determined that petitioner had suffered sexual harassment and sanctioned the perpetrator, who subsequently resigned from the Board's employ; the review requested by petitioner herein would involve the Commissioner and the OAL in proceedings that would have no practical value in regard to school law, and would drain judicial and administrative resources better reserved for controversies that involve actual disputes over outcomes that are meaningful in the administrative context; if petitioners decide to pursue this matter further, they may choose to seek relief from Public Employment Relations Commission and the federal Equal Employment Opportunity Commission (EEOC). The ALJ concluded that the within petition before the Commission must be dismissed for failure to state a claim for which any meaningful relief can be granted, and for mootness.

Upon comprehensive review, the Commissioner adopted the Initial Decision of the OAL with modification and dismissed the petition. In so doing, the Commissioner noted, *inter alia*, that his jurisdiction is limited to controversies and disputes arising under New Jersey school law. Petitioner's contention – that this matter arises out of school law because discrimination based on sex is prohibited by *N.J.S.A.* 18A:6-6 – is baseless, as this statute does not apply to the sexual harassment alleged in this matter. *N.J.S.A.* 18A:6-6 prohibits employment discrimination based on sex, and petitioner's allegations do not pertain to her employment. As the Commissioner does not have jurisdiction here, he need not reach the issue of whether an actual controversy exists. Further, the Board's policy prohibiting sexual harassment stipulates that the employee may appeal the Board's action or inaction to the New Jersey Division on Civil Rights or the EEOC; thus, petitioner has recourse to pursue her claim in an appropriate venue.

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.

April 23, 2019

New Jersey Commissioner of Education
Final Decision

Sterling Education Association, individually
and on behalf of member Simone Colancecco,

Petitioner,

v.

Board of Education of the Sterling Regional
School District, Camden County,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed by petitioner pursuant to *N.J.A.C.* 1:1-18.4, and the Board's reply thereto.

In this matter, petitioner challenges the findings of the Board's Affirmative Action investigation regarding an alleged violation of the Board's sexual harassment policy. The investigation found that a violation of the policy had occurred involving inappropriate communications from Simone Colancecco's former male supervisor, including email and text messages with sexual overtones. Petitioner's allegation that she had been groped, however, was not substantiated, and the investigation found that any conduct with respect to that allegation was not gender-based. The perpetrator was suspended from his employment with the District and subsequently resigned from his position. Petitioner challenges the Board's determination that the alleged groping did not amount to sexual harassment. The Administrative Law Judge (ALJ)

granted the Board's motion to dismiss the petition. The ALJ concluded that there was no actual controversy for the Commissioner to resolve. Specifically, the ALJ found:

[I]t is not the case that the Commissioner need consider appeals of a portion of a Board's findings where the Board's overall decision has agreed with the complainant that she suffered sexual harassment in violation of the Policy and the Board has acted to sanction the perpetrator in a manner and to an extent that is not contended to be legally insufficient. A review of this nature would involve both the Commissioner and the OAL in proceedings that would be of no practical value in regard to education law and would involve a drain on judicial and administrative resources better used for controversies that involve actual disputes over outcomes that are, in the administrative context, meaningful.
(Initial Decision at 8)

In her exceptions, petitioner disagrees with the ALJ's interpretation that the requested relief is not meaningful or of practical value. Petitioner argues that this matter is not moot because "an ultimate finding of sexual harassment on some, but not all, of [petitioner's] complaints does not put beyond review the [Board's] actions, procedures and findings." (Petitioner's exceptions at 6). Petitioner maintains that there is meaningful and practical value in having all of the conduct of her harasser fairly investigated and condemned by her employer. By carving out the alleged groping incident as not being gender-based, and by incorrectly stating that the incident took place at a training, when it actually occurred separately from the training, petitioner contends that the Board violated its own policy and acted arbitrarily and capriciously.

Petitioner also argues that the Commissioner has jurisdiction over this matter pursuant to *N.J.S.A.* 18A:6-9 because it arises under the school laws of this State – specifically under *N.J.S.A.* 18A:6-6, which provides that "[n]o discrimination based on sex shall be made in the formulation of the scale of wages, compensation, appointment, assignment, promotion, transfer, resignation, dismissal, or other matters pertaining to the employment of teachers in any school . . . in this state." Further, petitioner contends that while the Public Employment

Relations Commission (PERC) and the Equal Employment Opportunity Commission (EEOC) can review certain claims and issues, only the Commissioner has the authority to revise the findings of an Affirmative Action Officer. Accordingly, if the Commissioner chooses not to exercise jurisdiction, petitioner would be left without recourse.

Petitioner contends that there is a controversy and conflict about whether the Board complied with its sexual harassment policy with respect to whether the Board provided the applicable regulations to petitioner and complied with the timelines. A conflict also exists regarding the findings and conclusions of the investigation that the groping incident was not “gender based.” Finally, petitioner makes the policy argument that the Initial Decision sends the wrong message to victims of sexual harassment.

In reply, the Board contends that the ALJ did not make a specific finding that the matter was moot and instead based his decision on the lack of a controversy or dispute, as the Board did find that petitioner had been sexually harassed. The Board maintains that the Affirmative Action Officer thoroughly investigated the groping allegations, including multiple witness interviews, and found that although it was inappropriate, it was not gender-based. Regardless of the finding on that individual allegation, the overall outcome of the investigation was that a sexual harassment violation had occurred. Accordingly, the outcome of the investigation would not change if the specific finding was amended. Nevertheless, the Board points out that it did allow petitioner to include her factual concerns about the groping allegation in the investigatory file.

The Board argues that petitioner’s claim that the Commissioner has sole jurisdiction over amending the Affirmative Action report, and that she otherwise has no recourse,

is disingenuous. If the Commissioner had jurisdiction, he would not revise the report but instead make determinations that certain findings were erroneous, which is within the EEOC's purview.

The Board contends that petitioner's argument that it failed to provide policies and follow its own self-imposed timelines is not an issue of school law, so no relief can be granted. Finally, the Board maintains that the Initial Decision is not contrary to public policy, as the Board had already decided in petitioner's favor. Overall, the Board urges the Commissioner to adopt the Initial Decision.

Upon review, the Commissioner notes that he has jurisdiction over controversies and disputes that arise under the school laws of this State. *N.J.S.A.* 18A:6-9. Petitioner argues that this matter arises out of school law because discrimination based on sex is prohibited by *N.J.S.A.* 18A:6-6. Pursuant to *N.J.S.A.* 18A:6-6:

No discrimination based on sex shall be made in the formulation of the scale of wages, compensation, appointment, assignment, promotion, transfer, resignation, dismissal, or other matter *pertaining to the employment of teachers* in any school . . . in this state, supported in whole or in part by public funds unless it is open to members of one sex only, in which case teachers of that sex may be employed exclusively.
[Emphasis added.]

The Commissioner finds that this statute applies to sexual discrimination in employment but does not apply to sexual *harassment*, as alleged by petitioner in this matter. It is clear that this statute prohibits discrimination based on sex by a Board when making employment decisions regarding an employee; this matter, however, does not pertain to the employment of petitioner. Further, the alleged harassment did not involve the Board, but rather an individual employee over whom the Commissioner does not have jurisdiction.

The Commissioner may have jurisdiction to the extent that petitioner alleges that the Board violated a Board policy. However, it is undisputed that the Board's Affirmative

Action Officer conducted an investigation, as required by the Board's policy prohibiting sexual harassment. Petitioner claims she was not provided with copies of the policies, but no relief can be granted as petitioner has since received them. Petitioner's remaining claims stem from the substance of the investigation and its findings, which are beyond the Commissioner's jurisdiction.¹ Notably, the Board's policy prohibiting sexual harassment indicates that the employee may appeal the Board's action or inaction to the New Jersey Division on Civil Rights or to the United States Equal Employment Opportunity Commission. As such, petitioner is not without recourse to pursue her claim.

Accordingly, the Initial Decision of the OAL is adopted – as modified herein – as the final decision in this matter. The petition of appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: April 23, 2019
Date of Mailing: April 23, 2019

¹ As the Commissioner does not have jurisdiction over this matter, he need not reach the issue of whether an actual controversy exists.

² 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)*.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 295-19

AGENCY DKT. NO. 277-11/18

**STERLING EDUCATION ASSOCIATION,
INDIVIDUALLY AND ON BEHALF OF
MEMBER SIMONE COLANCECCO,**

Petitioners,

v.

**BOARD OF EDUCATION OF THE
STERLING REGIONAL SCHOOL DISTRICT,
CAMDEN COUNTY,**

Respondent.

Matthew B. Wieliczko, Esq., for petitioners (Zeller & Wieliczko, attorneys)

Jeffrey R. Caccese, Esq. for respondent (Comegno Law Group, attorneys)

Record Closed: March 1, 2019

Decided: March 14, 2019

BEFORE **JEFF S. MASIN**, ALJ (Ret., on recall):

The Sterling Education Association and one of its members, Simone Colancecco, filed a Verified Petition of Appeal with the Commissioner of Education, seeking relief from what the Petition describes as improper conduct by the Board in connection with an Affirmative Action investigation of alleged improper conduct by its employee, Michael Eckmeyer, Director of Student and Personnel Services/Special Services. This was

conduct directed toward Simone Colancecco, an Instructional Assistant and his subordinate employee. The Affirmative Action Complaint claimed that Colancecco was “continually harassed from the time of her hiring in August 2016 until January 2018.” The actions included inappropriate text messages, email and in-person conversations, unwanted sexual advances and sexually offensive groping and speech, and Eckmeyer’s “overall attitude towards women.”

After Ms. Colancecco filed her complaint, Mr. Eckmeyer was suspended with pay in accordance with N.J.S.A. 18A:25-6. After his suspension, Eckmeyer did not return to work with the District and resigned his position effective September 1, 2018.

Although the Affirmative Action investigation led to a determination by the Affirmative Action Officer that Eckmeyer did violate the Board’s Policy “4352-Sexual Harassment,” by means of “inappropriate communication with sexual overtones, via certain email and text messages”, the Petition claims that the determination improperly failed to find that a portion of the complained conduct was “gender based.” This specifically involved a claim of inappropriate “groping” that Colancecco claimed occurred in December 2017. More specifically, she claimed that this incident took place “outside of any training session” regarding “student restraint technique,” but instead during “free time.” The Affirmative Action Officer’s, May 11, 2018, summary of her findings reports that she found that the allegation that Colancecco was “groped during a restraint training” was unsupported by the evidence adduced. Colancecco contends that this finding is factually and legally false. Further, the Petition contends that the Board failed to provide certain policies when requested and limited, or barred, Association member witnesses, as well as Colancecco, from having legal representation during the investigation. In addition, the Board improperly denied the appeal from the Affirmative Action Officer’s findings when it concurred with those findings. The Petition seeks referral to an administrative law judge for a hearing to determine whether the Board improperly refused to revise the findings; to determine that the Board acted arbitrarily and capriciously in denying the appeal at the superintendent and Board level, in violation of applicable laws and in violation of the Collective Bargaining Agreement; and that the Board deprived Colancecco of her right to have counsel to assist her with the filing of the Affirmative Action Complaint and the

investigation thereof; as well as directing that the Board post all Board policies and regulations on its website. Finally, it seeks to have the Board found to have deprived Colancecco of her procedural rights by depriving her of all policies and regulations applicable to her complaint, findings and appeal, and such other relief as may be deemed appropriate.

In response to the Petition, the respondent filed a Motion to Dismiss in Lieu of Answer. It notes that the petitioners failed to identify any school law that they assert serves as grounds for invoking the jurisdiction of the Commissioner, in violation of N.J.S.A. 18A-16.9. Further, it points out that the petitioners failed to note that they had filed two other administrative matters, one with the Equal Employment Opportunity Commission (EEOC) and the other with the Public Employment Relations Commission (PERC), each involving a “similar issue of both fact and law,” in violation of N.J.A.C. 6A:3-1.5.³ Finally, it argues that even if the Petition survives these challenges, the petitioners’ claim is moot.

A Motion to Dismiss is recognized in the Administrative Code at N.J.A.C. 6A:3-1.5(g). While the Commissioner may dismiss the petition based on such motion prior to referral of the matter to the Office of Administrative Law, it is also the Commissioner’s prerogative to transfer determination of the motion to the OAL. Lack of jurisdiction is a classic basis for such a motion, see New Jersey Court Rule, R. 4:6-2(e), as is failure to state a claim upon which relief can be granted. In assessing such a motion, the claims made by the party who filed the petition must be deemed to be true and all reasonable inferences such allegations may support must be accepted. The standard utilized by the courts in judging such motion is traditionally quite liberal towards the non-moving party. Green v. Morgan Props., 215 N.J. 431, 451 (2013).

³ N.J.A.C. 6A:3-1.5 provides “[a]ny party to a controversy or dispute before the Commissioner, who is a party to another action before any other administrative agency . . . involving the same or similar issue of fact or law, shall indicate the existence of such action or complaint with the petition of appeal.” Further, “[f]ailure to so certify may be deemed sufficient cause for dismissal of the petition of appeal when . . . such failures result in the duplication of administrative procedures for the resolution of a controversy or dispute.” According to the respondent, the EEOC matter was initially filed with the United States Department of Education, Office of Civil Rights, and was then transferred by the Office of Civil Rights to the EEOC on August 7, 2018. Thus, that filing involves federal jurisdiction, and there is no indication of any referral to or filing with the New Jersey Division on Civil Rights

As background, in response to Ms. Colancecco's complaint, Vice Principal Curriculum and Affirmative Action Officer Robynn Considine issued a letter to Colancecco, dated May 11, 2018, in which Considine explained that the investigation determined that a violation of Policy 4352-Sexual Harassment had occurred.⁴ This was found to include "inappropriate communication with sexual overtones, via certain email and text messages from Mr. Eckmeyer to" Colancecco. Considine continued

Although you alleged that Mr. Eckmeyer groped your (sic) during a restraint training, the evidence adduced during the investigation did not support that allegation. Although it was evident that the experience was inappropriate and uncomfortable for you and several witnesses, it could not be concluded that the conduct by Mr. Eckmeyer was gender based. Nevertheless, the overall conduct by Mr. Eckmeyer violated the policy as he was your supervisor.

When Ms. Colancecco sought to appeal Considine's findings, Superintendent Mark Napoleon found no grounds for appeal. He noted Considine's findings, including the denial of a gender-based element during what Considine styled as "restraint training." However, given Considine's finding on this element of the complaint, and, to Napoleon, the more significant finding that the Board's sexual harassment policy had been violated and "remedial steps have been taken, there is no grounds for an appeal." However, Napoleon added, "Regardless, after reviewing Ms. Considine's report and your appeal letter, I concur with Ms. Considine's findings." When the Board of Education next considered Colancecco's correspondence appealing the decisions of the Affirmative Action Officer and the Superintendent, Board President Paul Sims wrote, on September 6, 2018, that the Board concurred in those findings, again noting that remedial steps had been taken to address Eckmeyer's conduct which found to have violated the Sexual Harassment policy. President Sims added that Colancecco's appeal of the investigation findings would be included in the investigation file "to note the areas you feel there are discrepancies."

⁴ The Sexual Harassment policy defines "sexual harassment" as including "all unwelcome sexual advances, requests for sexual favors and verbal or physical contacts of a sexual nature that would not have happened but the employee's gender." As such, by definition, a violation of the policy must be "gender based." Here, Colancecco seeks to add to the already determined gender-based harassment an additional episode of physical harassment that she claims was, despite the Board's conclusion to the contrary, also "gender based."

In opposition to the motion to dismiss, counsel for the petitioners argues that the Commissioner has the clear authority to review the “Board’s arbitrary and capricious decision in applying its own policies and procedures.” He points out that the Commissioner properly conducts such “first instance” review of Board action. Discrimination based on sex is prohibited by N.J.S.A. 18A:6-6, a “school law,” which makes such discrimination unlawful in matters “pertaining to the employment of teachers in any school . . . of this state.” This Petition is filed pursuant to the general authorization for such appeals under N.J.A.C. 18A:6-9 and N.J.A.C. 6A:7-1.10. The failure of the Board to amend the findings of the Affirmative Action Officer to recognize that the “groping incident” did not occur during “restraint training,” as the officer found, and to characterize this incident as “gender based,” created a controversy under the school laws and in regard to the proper application of the Sexual Harassment policy, a policy arising out of a school law. As such, jurisdiction is established.

In regard to the separate filings with the Commissioner, EEOC and PERC, counsel contends that the applicable provision of the Administrative Code, N.J.A.C. 6A:3-1.4(c) indicates that the existence of other actions involving the same or similar issues of law and fact

shall indicate the existence of such action or complaint within the petition of appeal . . . Failure to so certify may be deemed to be sufficient cause for dismissal of the petition when, in the judgment of the Commissioner and/or ALJ, such failure results in the duplication of administrative procedures for the resolution of a controversy or dispute.

Counsel offers that the several filings in different “alternative venues” were made to ensure that the “claims for relief and remedies sought in each matter can in fact be awarded in a particular venue.” While not denying that the Petition failed to identify these “alternative” proceedings, counsel asserts that petitioners are not seeking to have the Commissioner duplicate actions in other administrative proceedings. However, counsel then acknowledges that it might be necessary to consider the issues of consolidation and predominant interest, presumably at least in regard to the current petition and the pending PERC matter, as the EEOC matter lies with federal jurisdiction.

As for the claim that the Petition is moot, counsel points to the superintendent's letter, noting that while it acknowledges the discomfort that Colancecco no doubt experienced, in regard to the "groping," the determination was that it was not gender based and therefore did not violate the sexual harassment policy. Clearly, this position is in direct opposition to Ms. Colancecco's understanding to the timing and nature of the "groping" and thus, whether it somehow avoids the characterization of gender-based sexual harassment or instead falls within that definition. And the various concerns about the Board's alleged failures to make available policies, procedures and to allow representation of Colancecco and other union member witnesses during the investigation are certainly not moot concerns.

In its response brief, the Board reasserts its earlier position. It offers that the Board does not dispute that Ms. Colancecco was indeed a victim of gender-based sexual harassment, and that to the extent she is appealing based upon an alleged violation of the Board's Sexual Harassment Policy, the Board did not deny that Eckmeyer's conduct violated that policy in relation to her, only that a portion of her overall claim was not established as gender-based misconduct.

Discussion

Initially, it is clear that Ms. Colancecco claimed that Mr. Eckmeyer had engaged in conduct that exposed her to inappropriate materials, conversations and communications that were of a sexual nature. The Affirmative Action Officer investigated and concluded that she had indeed been harassed and that the Sexual Harassment Policy-4352 had been violated. That Policy defines "sexual harassment" as "all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender." By its very wording, as the portion here underlined makes abundantly clear, this Policy defines any conduct found to have violated the Policy as necessarily gender based. The actions violating the Policy must be such as would not have occurred "but for" the victim's gender. Thus, while the decisions of the Affirmative Action Officer, Superintendent and Board all found that one element of the claimed harassment was not proven to be gender based, the overall conclusion was that Eckmeyer engaged in

gender-based harassment of Colancecco. In light of the terms of the Policy, there is simply no other way to understand the findings.

As the Board properly noted, Ms. Colancecco, the alleged and, in fact determined, victim of the gender-based sexual harassment, had the right to appeal the decisions of the Affirmative Action Officer and the Superintendent to the Board. In general, decisions made by boards of education regarding violation of school laws are appealable to the Commissioner of Education. Interestingly, the Board's Policy on Sexual Harassment, 5352, explains that an employee may appeal the Board's action or inaction on a claim of a violation of the Policy to "the New Jersey Division on Civil Rights or to the United States Equal Employment Opportunity Commission." There is no mention of any appeal to the Commissioner.

The Board argues that there really is no dispute here for the Commissioner to consider. In summary, Colancecco claimed to have been sexually harassed, the Affirmative Action Officer, Superintendent, and, most importantly, the Board, all agreed that she was. That harassment was by definition, "gender based." That she disputes a portion of the findings does not detract from the fact that all agree that Eckmeyer violated the Policy, and that he sexually harassed her. Thus, what is there for the Commissioner to consider? If the Commissioner were to determine that the "groping" incident was actually gender based, that determination would not change the fact that the Board has already agreed with the complainant that she was sexually harassed and that by definition, that harassment was gender based. From the standpoint of education law, and the role of the Commissioner, it is entirely unclear what the legal significance of such a determination would be. While Ms. Colancecco may desire a finding of gender-based misconduct regarding the "groping" incident for other legal purposes, I fail to see that the Commissioner has anything to review here. And interestingly, the petitioners' requests for relief does not suggest that a finding such as they seek regarding the "groping" incident should result in any additional response by the Board vis-a-vis Eckmeyer. He was suspended while the investigation was conducted, and he resigned his position with the Board without ever resuming his work.

Reading the Petition with the liberality afforded in considering a motion to dismiss, it may be that an appeal of a Board's decision regarding an alleged violation of the Board's Sexual Harassment Policy does lie with the Commissioner. However, it is not the case that the Commissioner need consider appeals of a portion of a Board's findings where the Board's overall decision has agreed with the complainant that she suffered sexual harassment in violation of the Policy and the Board has acted to sanction the perpetrator in a manner and to an extent that is not contended to be legally insufficient. A review of this nature would involve both the Commissioner and the OAL in proceedings that would be of no practical value in regard to education law and would involve a drain on judicial and administrative resources better used for controversies that involve actual disputes over outcomes that are, in the administrative context, meaningful. As such, I **CONCLUDE** that Ms. Colancecco's claim of sexual harassment by Eckmeyer has been proven and accepted by the Board, and that there is no actual controversy for the Commissioner to resolve. While it may be that portions of the complaint regarding representational rights, and the provision of policies are properly considered by PERC in regard to the parallel Petition filed with it, given that the Commissioner has nothing to resolve regarding the claim that sexual harassment occurred, there is no need to consider consolidation and predominant interest. The Petition filed with the Commissioner is **DISMISSED** for failure to state a claim for which any meaningful relief can be granted and for mootness. The petitioners may choose to continue to seek relief from PERC and the federal EEOC.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



March 14, 2019 _____
DATE

JEFF S. MASIN, ALJ (Ret., on recall)

Date Received at Agency: _____

Date Mailed to Parties: _____

mph