

327-25
OAL Dkt. No. 11670-13
Agency Dkt. No. 158-7/13

New Jersey Commissioner of Education
Final Decision

Belinda Allen,

Petitioner,

v.

Board of Education of the Town of Hammonton,
Atlantic County,

Respondent.

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

Upon review, and for the reasons detailed in the Initial Decision, the Commissioner agrees with the Administrative Law Judge (ALJ) that petitioner's appeal is moot.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


COMMISSIONER OF EDUCATION

Date of Decision: June 27, 2025
Date of Mailing: June 30, 2025

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 11670-13

AGENCY DKT. NO. 158-7/13

BELINDA D. ALLEN,

Petitioner,

v.

TOWN OF HAMMONTON

BOARD OF EDUCATION,

ATLANTIC COUNTY

Respondent.

Herbert J. Stayton, Jr., Esq., for petitioner (Stayton Law, LLC, attorneys)

William S. Donio, for respondent (Cooper Levenson, attorneys)

Record Closed: September 6, 2024

Decided: May 1, 2025

BEFORE **SARAH H. SURGENT**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner, Belinda D. Allen (Allen), a former PreK-12 teacher for the Hammonton Board of Education, appealed from respondent Board of Trustees of the Teachers' Pension and Annuity Fund's (Board) denial of her application for accidental disability (AD)

retirement benefits in TYP 02021-15 and requested that this case be held in abeyance pending the outcome of that appeal. On August 13, 2024, I issued an initial decision denying her appeal from the denial of AD benefits, which was adopted by the Board on September 6, 2024. Allen did not appeal from the Board's decision.

Upon inquiry to the parties regarding this appeal, EDU 11670-13, for "an order declaring that she was absent from her employment as a result of an injury caused by an accident arising in the course of her employment and restoring [all of] her sick and vacation time," Allen's attorney replied as follows:

It was always my position that the . . . matter involving the Hammonton [Board of Education] should be held in abeyance until the disposition of the appeal of the AD denial. It was my hope that the decision on the appeal [in TYP 02121-15] would, in essence, make [EDU 11670-13] moot I have discussed the Initial Decision with Ms. Allen and she has decided not to take any further action with regard to the denial of her AD[] application should a Final Administrative Determination be made adopting the result of the Initial Decision.

[Email from Stayton to Donio and the Judge, dated September 6, 2024.]

The Hammonton Board of Education's attorney did not respond. In light of my denial of AD benefits in TYP 02021-15 which was adopted by the Board, and Allen's attorney's position that that denial rendered Allen's appeal in this case moot as Allen's claims arose out of the very same incident as in TYP 02021-15, I concur that this appeal is moot.

ORDER

It is therefore **ORDERED** that Allen's appeal in EDU 11670-13 hereby **DISMISSED AS MOOT**.


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

This recommended decision may be adopted, modified, or rejected by the **ACTING 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 **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to **Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**. A copy of any exceptions must be sent to the judge and to the other parties.

May 1, 2025

DATE



SARAH H. SURGENT, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

SHS/nn