

GLEN DAVIS,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF	:	DECISION
THE LOWER CAMDEN COUNTY	:	
REGIONAL HIGH SCHOOL	:	
DISTRICT NO. 1, CAMDEN	:	
COUNTY,	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioning teacher alleged that the Board violated *N.J.S.A.* 18A:25-6 by its action to suspend him without pay by reason of his indictment as it failed to obtain a majority vote of its full membership on the motion to suspend him.

ALJ concluded that the Board did not act properly when it voted to suspend petitioner without a majority vote of the full membership. Nature of the vote (for indictments, etc.) was not relevant. ALJ ordered the Board to compensate petitioner for the period from March 10, 1997 until April 14, 1997, the date on which the Board took appropriate action to suspend petitioner.

Commissioner adopted findings and determination in initial decision as his own.

FEBRUARY 27, 1998

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon his independent review the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that the Board's action of March 10, 1997, suspending petitioner without pay by reason of his indictment, was not in conformance with the requirements of *N.J.S.A.* 18A:25-6 and is, therefore, void *ab initio*. As such, petitioner is entitled to be restored to the Board's payroll for the period March 10, 1997 to April 14, 1997, the date on which the Board took appropriate action to suspend petitioner.

Accordingly, the initial decision of the OAL is adopted as the final decision in this matter for the reasons clearly stated therein.* The Board is hereby directed to compensate petitioner in accordance with this decision.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

FEBRUARY 27, 1998

* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.