

NANCY MELLO, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL : DECISION
DISTRICT OF THE CITY OF :
JERSEY CITY, HUDSON :
COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning tenured teacher alleged the District's action to charge her sick days for work-related injury/illness violated *N.J.S.A.* 18A:30-2.1. The District contended her petition was untimely filed.

The ALJ found that petitioner had adequate notice of the termination of her compensation benefits. Moreover, the ALJ found that petitioner presented no reason upon which to predicate a relaxation of the 90-day limitation and that the petition was filed approximately 10 months after the notice of the action taken by the District. Petition was dismissed as untimely.

The Commissioner adopted findings and determination in Initial Decision as his own.

OAL DKT. NO. EDU. 3959-99
AGENCY DKT. NO. 12-1/99

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and the District's reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in rendering the within decision.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the ALJ that the within Petition of Appeal is properly dismissed as untimely, pursuant to *N.J.A.C.* 6:24-1.2(c), and that petitioner has failed to demonstrate cause for relaxation of the 90-day filing requirement. *N.J.A.C.* 6:24-1.15

Accordingly, the Initial Decision of the ALJ is adopted for the reasons expressed therein. The Petition of Appeal is dismissed.*

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

December 23, 1999

* 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.