

CHRISTOPHER TRIGANI,	:	
CHARLOTTE DILL-OPPITO AND	:	
GILLIAN IMPEY,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF MONMOUTH BEACH,	:	
AND BOARD OF EDUCATION OF THE	:	
MONMOUTH-OCEAN EDUCATIONAL	:	
SERVICES COMMISSION, MONMOUTH	:	
COUNTY,	:	
	:	
RESPONDENTS.	:	
_____	:	

SYNOPSIS

In consolidated cases, petitioners, three former part-time Child Study Team (CST) members, alleged the Board terminated their employment in contravention of *N.J.A.C.* 6A:14-3.1 and subcontracted their positions to Monmouth-Ocean Educational Services Commission (MOESC). Petitioners sought retroactive reemployment with compensation or employment with MOESC.

Citing Anders, the ALJ found that the Board acted in good faith to eliminate its CST(s) for reasons of economy and to join with MOESC to provide basic CST services. The ALJ determined that petitioners were not unlawfully terminated from their positions and that MOESC was under no legal compulsion to hire petitioners as a result of their termination from employment with the Board. The ALJ ordered the relief sought by petitioners denied.

The Commissioner adopted the Initial Decision as his own. The consolidated petitions were dismissed.

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.

OAL DKT. NOS. EDU. 8644-00 and 8645-00
AGENCY DKT. NOS. 386-10/00 and 387-10/00

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioners' exceptions and replies thereto of the Monmouth Beach Board of Education and the Monmouth-Ocean Educational Services Commission (MOESC) were filed in accordance with the requirements of *N.J.A.C.* 1:1-18.4 and fully considered by the Commissioner in making his determination herein.

Petitioners' exceptions essentially recast and reiterate their arguments advanced below, referring to the attached copy of their Brief in Support of Summary Decision submitted to the Administrative Law Judge (ALJ) for elaboration on each of their renewed contentions.

Upon careful and independent review of the record in this matter, the Commissioner finds that, as a matter of law, respondents must be granted summary decision. As aptly concluded by ALJ:

[t]he accumulated case law, culminating in *Anders*, which is on point with the circumstances of both the instant consolidated cases, leads only to the conclusion (a) that petitioners have not been unlawfully terminated from their positions, and (b) that MOESC is under no legal compulsions to hire petitioners as a result of their termination from employment with the Board of Education, Borough of Monmouth Beach. (Initial Decision at 13)

Accordingly, the Initial Decision of the OAL is adopted and the instant consolidated Petitions of Appeal are hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 2, 2002

Date of Mailing: December 3, 2002

* This decision, as the Commissioner's final determination 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. 6A:4-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.