

RAYMOND C. HUHNS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE BOROUGH : DECISION
 OF MANVILLE, SOMERSET COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioning custodian alleged the Board failed to pay his full salary without loss of sick time for work-related injury, pursuant to *N.J.S.A.* 18A:30-2.1.

The ALJ found that petitioner failed to file his petition within the 90-day period prescribed by *N.J.A.C.* 6A:3-1.3(d)(1). The ALJ found that petitioner filed his petition approximately four and a half months after the Board's letter advising him that he had exhausted all his allotted sick days as of March 15 and would be on "non-pay status" until he returned to work. Petition was dismissed.

The Commissioner adopted the Initial Decision as his own.

<p>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.</p>

March 31, 2004

OAL DKT. NO. EDU 8028-02
AGENCY DKT. NO. 293-9/02

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his full and independent review, the Commissioner concurs with the determination of the Administrative Law Judge that, pursuant to *Verneret v. Board of Education of the City of Elizabeth*, 95 N.J.A.R. 2d (EDU) 134, the instant Petition of Appeal, seeking benefits pursuant to N.J.S.A. 18A:30-2.1, was untimely filed, necessitating its dismissal.

Accordingly, the Initial Decision of the OAL is hereby adopted for the reasons stated therein and the Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 29, 2004

Date of Mailing: April 1, 2004

* This decision 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.*