

#266-12 (OAL Decision: Not yet available online)

MICHAEL BENSON,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE BOARD OF EXAMINERS,	:	DECISION
	:	
RESPONDENT.	:	

SYNOPSIS

Pro-se petitioner appealed the respondent’s May 2011 denial of his application for issuance of a School Counselor certificate. The respondent based the denial on its determination that petitioner failed to meet the requirements for the issuance of this certificate pursuant to *N.J.A.C.* 6A:9-13.8, and filed a motion to dismiss the petition as it was filed well beyond the 90-day limitation period set forth in *N.J.A.C.* 6A:3-1.3(i).

The ALJ found, *inter alia*, that: the State Board of Examiners (Board) issued its denial of petitioner’s application on May 18, 2011, and such decision was signed for and received by petitioner on May 21, 2011; petitioner did not file his appeal until January 7, 2012; pursuant to *N.J.A.C.* 6A:3-1.3(i), petitioner was required to file his petition of appeal by August 21, 2011; accordingly, the petition is time-barred under the ninety-day rule and no compelling reason was presented for relaxation of the rule. The ALJ denied petitioner’s appeal and dismissed the petition.

Upon review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter and dismissed the petition.

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.

June 27, 2012

OAL DKT. NO. EDU 1317-12
AGENCY DKT. NO. 5-1/12

MICHAEL BENSON,	:	
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PETITIONER,	:	
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NEW JERSEY STATE BOARD OF EXAMINERS,	:	DECISION
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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge that the petition was not timely filed in accordance with *N.J.A.C.* 6A:3-1.3(i). Accordingly, the petition of appeal is dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 27, 2012

Date of Mailing: June 27, 2012

* Pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Superior Court, Appellate Division.