

BERNARD H. COLLINS, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE : DECISION

TOWNSHIP OF PENNSAUKEN, :

CAMDEN COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioning shop teacher alleged the Board failed to pay his full salary without loss of sick time for a work-related injury pursuant to *N.J.S.A.* 18A:30-2.1. Petitioner had been injured in January 2000 and received disability payments for that injury. Petitioner was subsequently reinjured in May 2000 when he returned to work. Petitioner sought payment for the period of May 23, 2000 to June 21, 2000, a time period not covered by the workers' compensation judgment.

The ALJ noted that pursuant to the State Board's decision in *Verneret*, *N.J.S.A.* 18A:30-2.1 is not limited to the time period for which benefits are awarded by the Division of Workers' Compensation and that the Commissioner was not precluded from deciding whether petitioner was entitled to the benefits of *N.J.S.A.* 18A:30-2.1. The ALJ found that petitioner's use of sick leave for the period in question was directly attributable to effects of his January 2000 injury and subsequent surgery. Therefore, the ALJ concluded that petitioner was entitled to sick leave benefits pursuant to *N.J.S.A.* 18A:30-2.1 for that period.

The Commissioner adopted the findings and determination in the Initial Decision as his own and directed the award of sick leave benefits for the time period from May 23, 2000 to June 21, 2000.

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.

October 30, 2002

OAL DKT. NO. EDU 2005-01
AGENCY DKT. NO. 457-12/00

BERNARD H. COLLINS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF PENNSAUKEN, :
 CAMDEN COUNTY, :
 :
 RESPONDENT. :
 _____ :
 :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs that petitioner is entitled, pursuant to *N.J.S.A.* 18A:30-2, to his full salary without loss of sick time for the absences at issue, since they have been shown to be the result of a work-related injury.

Accordingly, the Initial Decision of the Office of Administrative Law is affirmed for the reasons expressed therein and petitioner is awarded sick leave benefits for the period from May 23, 2000 through June 21, 2000 as recommended by the Administrative Law Judge.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Issue: October 30, 2002
Date of Mailing: October 30, 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.