

OAL DKT. NO. EDU 6129-07  
AGENCY DKT. NO. 184-6/07

MICHELLE GAMBINO, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE : DECISION  
 TOWNSHIP OF MAPLE SHADE, :  
 BURLINGTON COUNTY, :  
 :  
 RESPONDENT. :

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions – dated April 3, 2008 and filed on April 4, 2008 in response to an OAL decision mailing date of March 20, 2008 – were untimely pursuant to *N.J.A.C. 1:1-18.4*<sup>1</sup> and, therefore, are not considered here.

Upon full consideration of the record, the Commissioner concurs with the Administrative Law Judge that this matter is appropriately dismissed as moot. Petitioner was reinstated with no break in service or loss of compensation or benefits and she has, therefore, suffered no loss of position and no damage. Further adjudication of this matter is to no avail as all petitioner is left with here is a theoretical issue which has no practical effect. (See *Maureen Price v. Board of Education of the Township of Washington, Burlington County*, Commissioner’s Decision No. 25-08, decided January 23, 2008; Also See *Wood v. Board of Education of the Borough of Pemberton, Burlington County*, Commissioner’s Decision No. 209-03, decided May 1, 2003)

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<sup>1</sup> “Within 13 days from the date the judge’s initial decision was mailed to the parties, any party may file written exceptions with the agency head.\*\*\*” (*N.J.A.C. 1:1-18.4(a)*)

Accordingly, the recommended decision of the OAL is adopted for the reasons clearly presented therein and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: April 23, 2008

Date of Mailing: April 24, 2008

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\* 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.*