

IN THE MATTER OF THE TENURE :
HEARING OF SANFORD WILLIAMS, : COMMISSIONER OF EDUCATION
STATE-OPERATED SCHOOL : DECISION
DISTRICT OF THE CITY OF :
NEWARK, ESSEX COUNTY. :

SYNOPSIS

The petitioning school district certified tenure charges against respondent on or about September 1, 2006. Subsequently it became evident that respondent had filed an application for retirement with the Division of Pensions, effective September 1, 2006. The matter has remained active as there was initial confusion regarding respondent's status with the Division of Pensions – which status was resolved in 2009 – and Orders of Inactivity were entered by the ALJ, followed by the scheduling of hearing and status conference dates in 2009, 2012, and 2013.

The ALJ found that: respondent filed an application for retirement with the Division of Pensions, effective September 1, 2006, which was approved on or about November 2, 2006; respondent failed to appear, or offer any explanation for his non-appearance, for any of the scheduled hearing or conference dates; following respondent's 2013 non-appearance, the petitioner moved to dismiss this matter as moot. The ALJ concluded that the matter must be dismissed based on respondent's inaction.

The Commissioner determined to affirm the ALJ's dismissal of the instant matter, not because of respondent's inaction but because the matter was rendered moot upon respondent's retirement in 2006. Accordingly, the petition was 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.

June 9, 2014

OAL DKT. NO. EDU 07035-06
AGENCY DKT NO. 125-3/06

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The record of this matter and the Initial Decision issued by the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon his independent review, the Commissioner determines to affirm the Administrative Law Judge's (ALJ) dismissal of the petition in this matter. However, he does so not for reasons expressed by the ALJ, but because the matter is moot, as set forth below.

An action is considered moot when it "no longer presents a justiciable controversy because the issues involved have become academic. A case is moot when a determination is sought on a matter which, when rendered, cannot have any practical effect on the existing controversy." *Ronald Victoria v. Board of Education of the Township of Woodbridge, Middlesex County*, 1982 *S.L.D.* 1, 5. Here, the ALJ found that respondent filed an application for retirement with the Division of Pensions, effective September 1, 2006, and that the application was approved on or about November 2, 2006. Upon his retirement, the instant matter was rendered moot.

Accordingly, for the reasons expressed above, the petition is hereby dismissed as moot.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 9, 2014

Date of Mailing: June 10, 2014

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)