

JOHN COOKE, :
 :
 PETITIONER, :
 :
 V. :
 : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE :
 MIDDLESEX COUNTY VOCATIONAL : DECISION
 TECHNICAL SCHOOL DISTRICT, :
 MIDDLESEX COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner, rified auto body repair teacher, alleged the respondent Board retained less senior individuals in positions for which he was qualified.

The ALJ found that petitioner never acquired any seniority in the areas of culinary arts or industrial arts, which would have obligated respondent to hire him in any of the positions he sought from 1996 through 2001. The ALJ noted that each vocational endorsement is a separate seniority category and petitioner earned seniority only in the area of his endorsement (auto body repair) in which he actually served. *N.J.A.C. 6:3-5.1(17)(i)*. Thus, the ALJ found that respondent did not retain teaching staff members in positions for which petitioner was qualified who were less senior than he in violation of petitioner's seniority and tenure rights. The ALJ granted respondent's motion for summary decision and dismissed petitioner's appeal.

The Commissioner adopted the Initial Decision for the reasons expressed therein; 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.

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and the Board's reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that the Board's motion for summary decision is properly granted in its favor. Accordingly, the Initial Decision is adopted for the reasons expressed therein; the Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 15, 2003

Date of Mailing: January 15, 2003

* 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.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.