

BOARD OF EDUCATION OF THE :
TOWNSHIP OF NORTH BRUNSWICK, :
MIDDLESEX COUNTY, :

PETITIONER, :

V. :

MARSHALL SIGALL, :

RESPONDENT :

COMMISSIONER OF EDUCATION

AND :

DECISION

BOARD OF EDUCATION OF THE, :
TOWNSHIP OF NORTH BRUNSWICK, :
MIDDLESEX COUNTY, :

PETITIONER, :

V. :

GERALDINE MARGIN, :

RESPONDENT. :

SYNOPSIS

Petitioning Board in these two consolidated cases seeks restitution of monies or benefits received from it by: 1) its former school business administrator/board secretary, and 2) its former interim acting superintendent of schools. Both cases involve unauthorized use of compensatory time. Respondent Margin filed a motion to dismiss for lack of jurisdiction, and respondent Sigall subsequently joined in the motion.

The ALJ found that petitioning Board relies upon the New Jersey Labor and Workers Compensation Law as well as the Federal Fair Labor Standards Act to secure relief in these two related cases; the dispute between petitioner and the two former employees does not implicate Education Law, *N.J.S.A. 18A:1-1, et seq.*; the Commissioner does not have jurisdiction; and the dispute is purely contractual in nature. The ALJ recommended dismissal of the petitions for lack of jurisdiction.

The Commissioner concurred with the ALJ and adopted the Initial Decision as the final decision in this matter. The petitions were 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.

March 27, 2008

OAL DKT. NOS. EDU 8738-07 AND EDU 8739-07
AGENCY DKT. NOS. 286-10/07 AND 285-9/07
(CONSOLIDATED)

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_____ :

COMMISSIONER OF EDUCATION
DECISION

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon her reasoned review, the Commissioner concurs with the Administrative Law Judge that this purely contractual matter is appropriately dismissed for lack of Commissioner of Education subject matter jurisdiction.

Accordingly, the recommended decision of the OAL is adopted for the reasons clearly stated therein and these consolidated Petitions of Appeal are hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 27, 2008

Date of Mailing: March 27, 2008

*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.*