

#143-09 (OAL Decision: Not yet available online)

PAUL STRASZEWSKI, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF HAMILTON, :
MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner, a tenured teacher, contends that the Board violated *N.J.S.A.* 18A:30-2.1 when it failed to pay him a stipend he had previously received as chairperson of his department, and by charging his sick days for time lost due to a work-related injury which occurred on January 2, 2001. Petitioner contends that he was disabled from undertaking the responsibilities of chairperson because of the work-related accident, and sought payment of the stipend for the 2001-2002 school year. The petitioner filed his appeal on April 22, 2002.

The ALJ found that: the facts in this matter are not in dispute; petitioner did not return to work after the January 2, 2001 work-related accident; petitioner received his full pay and stipend as department chair through the end of the 2000-2001 school year; petitioner was not reappointed to the position of department chair for the 2001-2002 school year; petitioner received his full pay but no stipend for the 2001-2002 school year through the anniversary of his accident; the 90-day notice period therefore commenced with the first paycheck in the 2001-2002 school year; and petitioner's appeal was filed on April 22, 2002. The ALJ concluded that the instant appeal was untimely filed, and dismissed the petition.

The Commissioner concurred with the ALJ, and adopted the Initial Decision of the OAL as the final decision in this matter.

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| <p>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.</p> |
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May 5, 2009

OAL DKT. NO. EDU 2945-02
AGENCY DKT. NO. 119-4/02

PAUL STRASZEWSKI, :
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 PETITIONER, :
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 V. : COMMISSIONER OF EDUCATION
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 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF HAMILTON, :
 MERCER COUNTY, :
 :
 RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon her considered review, the Commissioner concurs with the Administrative Law Judge – for the reasons comprehensively set forth on pages 3-5 of her decision – that this matter is appropriately dismissed due to the untimeliness of its filing.

Accordingly, the recommended decision of the OAL is adopted and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 5, 2009

Date of Mailing: May 6, 2009

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.