

#148-11 (OAL Decision: Not yet available online)

ANNA ADAMS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE OPERATED DISTRICT : DECISION
 OF THE CITY OF PATERSON, :
 PASSAIC COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner alleged that her tenure rights were violated when she was involuntarily transferred from her position as Assistant Director for Human Resources/Personnel to the position of Supervisor of Physical Education and Health – a supervisory position within her area of certification – in October 2006. Petitioner filed her appeal in 2009. The respondent filed a motion to dismiss, contending that petitioner’s claim is time-barred.

The ALJ found, *inter alia*, that: based on the petitioner’s own admissions, the 90-day limitations period for filing an appeal began in October-November 2006 when petitioner was involuntarily transferred and, soon after, learned that her position had been given to another person; petitioner did not file her appeal until November 2009, considerably later than the statutory 90 days after the district’s action in transferring her to the position of Supervisor of Physical Education and Health; and there is no evidence to support petitioner’s assertion that she was led to believe that she could informally seek relief and not be concerned about the time limitation for filing her petition. Accordingly, the ALJ concluded that petitioner’s appeal was untimely filed pursuant to *N.J.A.C. 6A:3-1.3(i)*, and dismissed the petition.

Upon review and consideration, the Commissioner concurred with the ALJ and adopted the Initial Decision as the final decision in this matter.

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.

April 12, 2011

OAL DKT. NO. EDU 1023-10
AGENCY DKT. NO. 330-11/09

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 PETITIONER, :
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 STATE OPERATED DISTRICT : DECISION
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 RESPONDENT. :

Upon review of the Initial Decision of the Office of Administrative Law and the record,¹ the Commissioner adopts the Initial Decision as the final decision in this case – for the reasons set forth by the Administrative Law Judge. Accordingly, summary disposition is granted to respondent and the petition is dismissed.

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 12, 2011

Date of Mailing: April 12, 2011

¹ Neither party has filed exceptions.

² This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).