

#427-12 (OAL Decision: Not available online)

VIRGINIA WALLACE, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF MOUNT OLIVE, :
 MORRIS COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

In 2005, the petitioner filed an appeal which asserted that the Board failed to pay full salary without loss of sick time for an injury sustained in the course of her employment. The matter was placed on the inactive list pending resolution of a related Worker's Compensation case. On August 27, 2012, the ALJ communicated with petitioner's counsel and requested a status update.

On September 20, 2012, the ALJ's assistant was informed by an assistant in counsel's office that there would be no response to the August 27, 2012 letter. Accordingly, the ALJ concluded that petitioner has abandoned this matter, and ordered that the matter be returned to the Department of Education.

The Commissioner concurred with the ALJ's finding, and determined that the case must be dismissed for failure to prosecute. Accordingly, the recommended decision of the OAL was adopted and the matter was dismissed.

<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>

November 1, 2012

OAL DKT. NO. EDU 12192-05
AGENCY DKT. NO. 213-8/05

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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 such review, the Commissioner concurs with the Administrative Law Judge (ALJ) that – as a consequence of petitioner’s failure to respond to numerous requests of the ALJ for an update on the status of this matter – it is appropriately dismissed for failure to prosecute.

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: November 1, 2012

Date of Mailing: November 2, 2012

* 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*).