

#308-14 (OAL Decision: Not available online)

IN THE MATTER OF THE TENURE :
HEARING OF LOUIS MELILLO, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY : DECISION
OF ELIZABETH, UNION COUNTY :

SYNOPSIS

In 2004, the School District of the City of Elizabeth brought tenure charges of conduct unbecoming against respondent – a tenured custodian – and sought respondent’s dismissal from employment. Respondent denied all charges. In September 2010 charges were dismissed following a protracted hearing, but the matter was appealed to the Appellate Division and continued in litigation for three more years. Subsequently – in December 2013 – a settlement was entered into between the respondent and the Board, in which respondent resolved a variety of pending claims, including a civil rights action and several workers compensation claims. As part of the settlement, respondent submitted an irrevocable letter of resignation that was effective June 30, 2014.

The ALJ found and concluded that the tenure charges against the respondent have been rendered moot by his resignation, and that it is in the best interests of the taxpayers of Elizabeth that they incur no further public expense in litigating this matter. Accordingly, the ALJ ordered the tenure charges dismissed.

Upon a comprehensive review of the record, the Commissioner concurred with the ALJ’s determination that respondent’s resignation – which was effective June 30, 2014 – has rendered the within tenure charges moot. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter.

<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>

July 24, 2014

OAL DKT. NO. EDU 11969-13
(EDU 11502-04 AND 12620-10 ON REMAND)
AGENCY DKT NO. 363-10/10

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

Upon a comprehensive review of the record, the Commissioner concurs with the Administrative Law Judge's (ALJ) determination – for the reasons expressed in the Initial Decision – that respondent's resignation from the district effective June 30, 2014 renders the tenure charges moot. Accordingly, the recommended decision of the ALJ is adopted as the final decision in this matter and the tenure charges are hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 24, 2014

Date of Mailing: July 24, 2014

* 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)*.