

#76-16 (OAL Decision: Not yet available online)

MELANIE PERKINS, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 TOWNSHIP OF GLOUCESTER, :
 CAMDEN COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

Petitioner – a non-tenured teaching staff member formerly employed by the respondent Board – appealed the non-renewal of her contract following her notification, by letter dated March 31, 2015, that she would not be recommended for renewal for the 2015-2016 school year. Petitioner filed her appeal with the Commissioner on August 10, 2015, challenging her non-renewal as arbitrary, capricious, and without basis in fact or law. The Board filed a motion to dismiss, asserting that the appeal was time-barred pursuant to *N.J.A.C. 6A:3-1.3(i)*.

The ALJ found, *inter alia*, that: the petitioner had notice of the Board’s decision to non-renew her contract as of March 31, 2015; the time for filing a petition is clearly set forth at *N.J.A.C. 6A:3-1.3(i)*, which provides that a petition of appeal before the Commissioner must be filed no later than the 90th day from the date of receipt of the notice of a final order or ruling; in this case, the petition should have been filed on or about June 30, 2015; however, petitioner waited almost a full month and a half after that date, and filed on August 10, 2015. The ALJ concluded that the within petition was not timely filed pursuant to *N.J.A.C. 6A:3-1.3(i)*. Accordingly, the ALJ granted the Board’s motion to dismiss in lieu of an answer, and dismissed the petition.

Upon careful review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter for the reasons stated therein, and dismissed the petition.

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.
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OAL DKT. NO. EDU 13750-15
AGENCY DKT. NO. 218-8/15

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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 such review, the Commissioner concurs with the Administrative Law Judge that the instant petition is appropriately dismissed because it was filed outside the 90-day limitation period set forth in *N.J.A.C. 6A:3-1.3(i)*. Accordingly, the Initial Decision is adopted as the final decision in this matter – for the reasons stated therein – and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: February 19, 2016
Date of Mailing: February 22, 2016

* 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)*.