

NADIA EL-RAYESS, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION

STATE-OPERATED SCHOOL DISTRICT : DECISION

OF THE CITY OF JERSEY CITY, :

HUDSON COUNTY, :

RESPONDENT :

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SYNOPSIS

Petitioner alleged that the Board violated *N.J.S.A.* 18A:30-2.1 when it charged her sick days for a work-related injury/illness. Petitioner’s appeal was filed in the Office of Administrative Law (OAL) in March of 2000.

The ALJ found, *inter alia*, that: this matter had remained dormant at the OAL for nearly 18 years; ALJ Celentano was assigned the case subsequent to the retirement of the original ALJ; in October 2013, the petitioner’s counsel was contacted regarding the status of the case; the OAL was advised that a letter withdrawing the matter would be forthcoming; despite subsequent repeated inquiries, no withdrawal letter was issued. The ALJ concluded that this matter should be dismissed with prejudice.

Upon review, the Commissioner concurred with the ALJ that the petitioner has failed to prosecute this matter. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter, and the petition was dismissed.

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.

March 1, 2018

OAL DKT. NO. EDU 01879-00  
AGENCY DKT. NO. 23-1/00

NADIA EL-RAYESS, :  
 :  
 PETITIONER, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 STATE-OPERATED SCHOOL DISTRICT : DECISION  
 OF THE CITY OF JERSEY CITY, :  
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 :  
 RESPONDENT :

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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.

Upon such review, the Commissioner agrees with the Administrative Law Judge that petitioner has failed to prosecute this matter. Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 1, 2018

Date of Mailing: March 2, 2018

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\* 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).



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**DISMISSAL**

OAL DKT. NO. EDU 01879-00

AGENCY DKT. NO. 23-1/00

**NADIA EL-RAYESS,**

Petitioner,

v.

**STATE OPERATED SCHOOL DISTRICT**

**CITY OF JERSEY CITY, HUDSON COUNTY,**

Respondent.

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**Alan S. Porwich, Esq.,** for petitioner (Feintuch, Porwich & Feintuch, attorneys)

**Charlotte Kitler, Esq.,** General Counsel, for respondent

Record Closed: January 18, 2018

Decided: January 18, 2018

BEFORE **LESLIE Z. CELENTANO, ALJ:**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Petitioner alleges the Board's action to charge her sick days for work related injury/illness violates N.J.S.A. 18A:30-2.1. The matter was filed on March 8, 2000 and

initially assigned to another Administrative Law Judge, and was reassigned to the undersigned upon the retirement of the prior ALJ.

On October 3, 2013, a judicial assistant at the Office of Administrative Law spoke directly with counsel for petitioner and was advised that a letter withdrawing the matter would be forthcoming. Nothing was heard thereafter.

On May 22, 2014, the same judicial assistant left a message for counsel for petitioner with his secretary, who indicated she would speak to him and advise. No return call was received.

On May 6, 2015, the same judicial assistant left a message for counsel for petitioner, again with his secretary. No return call was received as to the status of the matter.

On June 22, 2016, counsel for petitioner was emailed, inquiring as to the status of this matter, however no reply was received to that email.

On June 23, 2016, another email was sent to counsel for petitioner, however no reply was received.

On August 9, 2016, a message was left for counsel for petitioner, again with his secretary, to which no reply was received.

On August 2, 2017, counsel for petitioner was emailed and also was left a voice message, however there was no response to either the email or the voice mail relative to the status of this matter.

On January 17, 2018, another voice mail was left for counsel for petitioner, and no reply has been received.

Nearly eighteen years have elapsed since the filing and transmittal of this matter. Accordingly, based upon all of the foregoing I **FIND** that this matter should be and hereby is **DISMISSED** with prejudice.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

January 18, 2018  
DATE

  
LESLIE Z. CELENTANO, ALJ

Date Received at Agency:

January 18, 2018

Date Mailed to Parties:

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dr