

A.B.D. No. 89-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEAL BOARD

OAL DKT #PRB-2802-88  
AGENCY DKT #AB-88-11

**DOROTHY GRAY, ET AL.**

Petitioner,

v.

**OCEAN TOWNSHIP  
EDUCATION ASSOCIATION,**

**Respondent.**

OAL DKT #PRB-2803-88  
AGENCY DKT #AB-88-10

MEVERIL JONES, ET AL.,

**Petitioner,**

**v.**

WESTFIELD  
**EDUCATION ASSOCIATION,**

Respondent.

OAL DKT #PRB-2804-88  
AGENCY DKT #AB-88-5

**THOMAS GAY,**

Petitioner,

v.

**PASCACK VALLEY REGIONAL  
EDUCATION ASSOCIATION,**

Respondent.

OAL DKT #PRB-2808-88  
AGENCY DKT #AB-88-13

**WILLIAM GRAY, ET AL.**

Petitioner,

v.

**OCEAN TOWNSHIP  
EDUCATION ASSOCIATION,**

Respondent.

OAL DKT #PRB-2809-88  
AGENCY DKT #AB-88-12

**JOSEPH ANTONACCI, ET AL.,**

Petitioner,

v.

**RIDGEWOOD  
EDUCATION ASSOCIATION,**

Respondent.

**Hugh L. Reilly**, Esq. for petitioners (National Right to Work Legal Defense Foundation, Inc.)

**Richard A. Friedman** (Zazzali, Zazzali, Fagella & Nowak) and **Robert H. Chanin, Bruce R. Lerner** (Bredhoff & Kaiser, Washington, D.C) for respondents.

**ORDER OF REMAND**

On February 3, 1989, Administrative Law Judge David J. Monyek entered an order (copy attached) recommending dismissal of these cases for "want of prosecution or defense." The order states that the parties were to submit documents following a June 22, 1988 hearing on a predominant interest motion and that neither party made any further submission or took any action to prosecute or defend the cases.

On February 15, 1989, respondents' counsel filed exceptions which append copies of December 1988 letters between Judge Monyek and respondents' counsel. On December 8, 1988, the parties jointly requested through respondents' counsel that Judge Monyek hold the cases in abeyance pending settlement discussions. On December 13, 1988, Judge Monyek replied that respondents' counsel could submit a consent order to place the cases on the inactive list for an additional six months. The exceptions acknowledge that no consent order has yet been filed, but urges that the order recommending dismissal be vacated so that the cases be placed on the inactive list while settlement discussions continue.<sup>1/</sup> On February 21, 1989, petitioners' counsel filed a letter which concurred with respondents' exceptions.

Given the parties' joint request, and the fact that there has been recent contact with the Office of Administrative Law about these cases, a remand is appropriate. The parties are responsible for complying with any procedure necessary to place the cases on inactive status. See N.J.A.C. 1:1-9.7.

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<sup>1/</sup> Judge Monyek's order does not specifically refer to the December 1988 letters or the lack of a consent order to place the cases on the inactive list.

**ORDER**

The Initial Decision-Order of Dismissal is vacated and these cases are remanded to the Office of Administrative Law.

BY ORDER OF THE APPEAL BOARD

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**WILLIAM L. NOTO**  
Chairman

Chairman Noto and Board Members Dorf and Verhage voted for this decision.

DATED: TRENTON, NEW JERSEY  
March 14, 1989