

A.B.D. No. 94-1

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

OAL DKT No. PRB-6605-92
APPEAL BD DKT Nos. AB-92-2, AB-93-5

THOMAS GAY,

Petitioner,

v.

NEW JERSEY EDUCATION ASSOCIATION,

Respondent.

Appearances:

Thomas Gay, pro se

Richard A. Friedman, Esq. for respondent (Zazzali, Zazzali,
Fagella and Nowak, attorneys)

DECISION AND ORDER

On May 8, 1992 and May 13, 1993 Thomas Gay, an employee of the Pascack Valley Regional Board of Education, filed petitions with the Public Employment Relations Commission Appeal Board. The petitioner pays a representation fee in lieu of dues to the Pascack Valley Regional Education Association, a majority representative organization affiliated with the New Jersey Education Association. The petitions AB-92-2 and AB-93-5 sought review of the amounts assessed as representation fees for the 1991-1992 and 1992-1993 fiscal years, respectively. On August 28, 1992, AB-92-2 was transferred to the Office of Administrative Law for hearing and was

assigned to Administrative Law Judge Thomas E. Clancy. While that matter was pending before Judge Clancy and after AB-93-5 was filed with the Appeal Board, the parties entered into a stipulation of settlement which covered the claims raised in both petitions. The Administrative Law Judge reviewed the terms of the settlement and concluded that it was entered into voluntarily, fully disposed of all issues in controversy, and was consistent with law.

On September 23, 1993 Judge Clancy issued an "Initial Decision-Settlement" on AB-92-2 ordering that the parties comply with the terms of the settlement and concluding the proceedings before him. We have reviewed the settlement and his Order, pursuant to N.J.S.A. 52:14B-10, and conclude that his action is correct. We consolidate AB-93-5, which was not transferred to the OAL, with AB-92-2 in order to resolve all issues currently in dispute.

ORDER

The Initial Decision of the Office of Administrative Law (attached hereto) in AB-92-2 is hereby affirmed and AB-93-5 is deemed to have been dismissed by mutual stipulation of the parties.

BY ORDER OF THE APPEAL BOARD

WILLIAM L. NOTO
Chairman

Chairman Noto and Board Members Dorf and Dileo voted in favor of this decision; none opposed.

DATED: TRENTON, NEW JERSEY
October 19, 1993
ISSUED: October 26, 1993