

THE STATE BOARD OF EDUCATION, STATE OF GEORGIA

MRS. ROBIA GAILEY

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vs.

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CASE NO. 1975-1

HABERSHAM COUNTY BOARD
OF EDUCATION

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ORDER

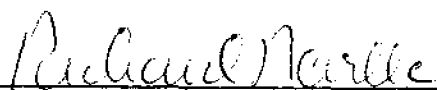
Mrs. Robia Gailey, formerly employed by the Habersham County Board of Education as Lunchroom Supervisor at Baldwin Schools, filed a claim with the Habersham County Board of Education for loss of retirement benefits. The record shows that her application for these benefits was mailed on or about March 26, 1974, to the office of Superintendent of Habersham County Schools and that the Superintendent's office acknowledged acceptance of the application. However, either he or his employees, through oversight, failed to forward the application to the Board of Trustees of the Teacher Retirement System of Georgia.

After Mrs. Gailey had not received her retirement check for several months, she met with the Superintendent on September 12, 1974, and at that time he located the application, still in his office, and sent it immediately to the Retirement System Board of Trustees. Mrs. Gailey's claim is for her loss of retirement at \$90.00 per month for five months.

The matter came before the Habersham County Board of Education for hearing upon application of Mrs. Gailey and after a hearing was afforded, the Board of Education held that payment of this sum to Mrs. Gailey by the Habersham County Board of Education would be improper and illegal expenditure of school funds and her request was refused. From this decision, Mrs. Gailey filed her Notice of Appeal to the State Board of Education.

A review of the record on appeal reveals this matter before the local Board of Education was one of policy and administrative determination, and not judicial or quasi-judicial in nature from which an appeal could be brought. The State Board of Education finds that the Habersham County Board of

Education did not abuse its discretion in denying Mrs. Gailey's request for reimbursement of these funds and as there was no abuse of discretion, the State Board of Education denies the appeal for lack of jurisdiction. (See Boney v. County Board of Education of Telfair County, 203 Ga. 152)


Richard Neville
Vice-Chairman of Appeals
State Board of Education of
State of Georgia