

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. JORGE CISNEROS, DOAH Case No. 07-3266**

On October 24, 2007, the School Board entered a Final Order adopting the Recommended Order of the Administrative Law Judge ("ALJ") from the Division of Administrative Hearings ("DOAH"). The ALJ's Order recommended that the School Board terminate the employment of the Respondent based on his having been convicted for vehicular homicide. The employee timely appealed the School Board's Final Order to the Third District Court of Appeals ("Third DCA").

On September 17, 2008, the Third DCA reversed the School Board's Final Order and remanded the case for the entry of an order reinstating Respondent and for other proceedings consistent with that opinion. Following the Third DCA's opinion, the School Board reinstated Jorge Cisneros's employment effective October 6, 2008 and provided him with back pay.

Since his reinstatement Respondent has challenged and disagreed with the amount of back pay that was awarded him by the School Board. The back pay amount issued to the Respondent did not include back pay for period of time when Respondent's case before DOAH was closed during May 23, 2006 through June 1, 2007. It also did not include any supplemental pay for the 2007-2008 academic year. As a result of the dispute over the back-pay award, Respondent petitioned DOAH to adjudicate these issues, but DOAH determined that the matter was not ripe for its disposition.

Accordingly, this matter is presented for the Board to formally decide on Respondent's request for additional back-pay. It is the District's position that Respondent is not entitled to such additional back pay and recommends that the Board formally deny his request. Respondent may thereafter challenge the Board's decision before DOAH or on appeal.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, deny Respondent's request for additional back-pay associated with the period of the May 23, 2006 through June 1, 2007 and also deny any supplemental back pay for the 2007-2008 academic year in the case of The School Board of Miami-Dade County, Florida v. Jorge Cisneros, DOAH Case No. 07-3266.