

IN THE MATTER OF THE TENURE :
HEARING OF REBECCA HENDERSON, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION
OF LUMBERTON, BURLINGTON COUNTY. :

SYNOPSIS

Petitioning Board certified tenure charges of abandonment and ineffectiveness against respondent – a tenured clerk/accounting specialist under the Board’s employ – and sought to terminate her employment with the district. Neither respondent nor any attorney acting on her behalf filed an answer to the tenure charges following notice pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4.

The Commissioner concluded that the allegations – which respondent has chosen not to deny – may be deemed admitted and warrant the termination of the respondent from her tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, and dismissed the respondent from her tenured position in petitioner’s school district.

<p>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.</p>

September 25, 2017

IN THE MATTER OF THE TENURE :
HEARING OF REBECCA HENDERSON, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION
OF LUMBERTON, BURLINGTON COUNTY. :

For the Petitioner, Susan S. Hodges, Esq.

No appearance by or on behalf of Respondent, Rebecca Henderson

This matter was opened before the Commissioner of Education on August 17, 2017, through tenure charges of abandonment and ineffectiveness certified by Joseph Langowski, Superintendent of the School District of the Township of Lumberton, together with supporting evidence against the respondent, Rebecca Henderson, a tenured clerk/accounting specialist in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at the respondent’s last known address, via regular and certified mail, sent on August 11, 2017.

On August 16, 2017, the Commissioner directed the respondent – via both certified and regular mail – to file an answer to the charges. This communication clearly provided notice to respondent that, pursuant to *N.J.A.C. 6A:3-5.3* and *6A:3-5.4*, an individual against whom tenure charges are certified “*shall have 15 days from the day such charges are filed with the Commissioner to file a written response to the charges with the Commissioner,*” and that failure to answer within the prescribed period would – absent granting of an extension for good cause shown – result in the charges being deemed admitted. The certified mail copy that was sent to the respondent was returned as unclaimed. The copy sent to the respondent via

regular mail was not returned. No reply to the tenure charges was received from or on behalf of respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioner in this matter indicate that respondent is a tenured clerk/accounting specialist employed by the District since March 4, 2002. Beginning June 26, 2017, the respondent failed to report to work, and did not report her absences to the District. District personnel contacted the respondent on four separate occasions, but respondent did not return any of the calls or text messages. By letter dated July 13, 2017, the District's School Business Administrator informed the respondent that if the District did not hear from her within three business days, the Superintendent would recommend that the Board take action concerning her employment. To date, the respondent has not contacted the District to discuss her employment status.

Deeming the allegations to be admitted – and noting that respondent has failed to respond to the charges certified against her – the Commissioner finds that petitioner's charge of abandonment has been proven, and that respondent's dismissal is warranted. Accordingly, summary decision is hereby granted to the petitioner, and the respondent is dismissed from her tenured position with the District.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: September 25, 2017

Date of Mailing: September 27, 2017

¹ 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)