

DHP #10-95
SB #29-95
DHP # 1-96

IN THE MATTER OF THE DISQUALI- :
FICATION FROM SCHOOL EMPLOY- : STATE BOARD OF EDUCATION
MENT OF JAMES A. COX, JR. : DECISION ON REMAND
_____:

Decided by the Deputy Commissioner of Education, February 28, 1995

Remanded by the State Board of Education, September 6, 1995

Decision on remand by the Commissioner of Education, January 2, 1996

For the Petitioner-Appellant, James A. Cox, Jr., pro se

For the Respondent-Respondent, Geraldine Callahan, Deputy Attorney
General (Peter Verniero, Attorney General of New Jersey)

On September 6, 1995, we granted the request of the parties to remand this matter to the Commissioner of Education for a hearing in order to provide petitioner, who had been disqualified from employment in the State's schools as a substitute teacher following a criminal history record review conducted pursuant to N.J.S.A. 18A:6-7.1, with an adequate opportunity to establish a record in support of his contention that he had satisfied the statutory standard for rehabilitation. We retained jurisdiction.

In accordance with our remand, the Commissioner transmitted this matter to the Office of Administrative Law for a hearing. Petitioner failed to appear at the hearing

scheduled for November 29, 1995. Consequently, on December 2, 1995, the Office of Administrative Law sent petitioner a notification of nonappearance and provided him ten days to submit an explanation for his nonappearance. On January 2, 1996, after petitioner failed to file an explanation, the Commissioner deemed the case to no longer be contested and dismissed it with prejudice.

Pursuant to the State Board's retention of jurisdiction, the Commissioner transmitted the file back to us in August 1997. No appeal has been filed from the Commissioner's decision of January 2, 1996.

After a review of the record, we are satisfied that the Commissioner complied with the terms of our remand and provided petitioner with an adequate opportunity to establish a record in support of his contention that he had satisfied the statutory standard for rehabilitation. Accordingly, pursuant to the Commissioner's decision, petitioner is disqualified from school employment, and we dismiss this matter.

November 5, 1997

Date of mailing _____