

IN THE MATTER OF THE TENURE :
HEARING OF CECELIA JAMES, :
STATE-OPERATED SCHOOL DISTRICT : COMMISSIONER OF EDUCATION
OF THE CITY OF NEWARK, ESSEX :
COUNTY. :
: DECISION

SYNOPSIS

The District certified tenure charges of unbecoming conduct against respondent teacher for her alleged participation in a scheme to defraud the State Health Benefits Program.

The ALJ concluded that the District proved by a preponderance of competent evidence that respondent engaged in conduct unbecoming a public school teacher. The District found that respondent's testimony was not credible concerning her knowledge and understanding of the insurance scheme and that participation in the scheme resulted in the theft of and improper payment of public monies. The ALJ noted that the issue of termination was moot because respondent forfeited her position. Citing *In re Tordo*, *In re Sammons* and *In re Henderek*, the ALJ concluded that due to the seriousness of the charges and the breach of public trust, respondent was unfit to remain a teacher and that the determination to suspend respondent was appropriate. The ALJ ordered no reimbursement of pay for the period of suspension.

Having reviewed the record and the transcript of the hearing conducted at OAL, the Commissioner adopted the findings and determination in the Initial Decision as his own. The Commissioner transmitted the matter to the State Board of Examiners for action against respondent's certificate as it deems appropriate.

December 22, 2000

OAL DKT. NO. EDU 7958-97
AGENCY DKT. NO. 223-6/97

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, which included a transcript of the hearing conducted at the OAL on March 24, 25 and 27, 1998, the Commissioner determines to affirm the Initial Decision of the Administrative Law Judge. Accordingly, for the reasons expressed in the Initial Decision, the District's charge is sustained and respondent, therefore, is not entitled to reimbursement of pay. *N.J.S.A. 18A:6-14*. This matter shall be transmitted to the State Board of Examiners for action against respondent's certificate as it deems appropriate.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 22, 2000

Date of Mailing: December 22, 2000

* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.