

#347-06

STATE OPERATED SCHOOL DISTRICT :
OF PATERSON, PASSAIC COUNTY,

PETITIONER,

V.

COMMISSIONER OF EDUCATION

C. R.,

DECISION

RESPONDENT.

SYNOPSIS

Petitioning school district requested that the Commissioner compel respondent, a secretary employed by the district, to undergo a psychiatric examination and reimburse petitioner for the cost of a scheduled examination that respondent failed to attend. Respondent received notice pursuant to *N.J.A.C. 6A:3-1.5*, but failed to answer the petition.

After a careful review of the verified petition and attached exhibits, the Commissioner concludes that the allegations of paranoid behavior contained therein – which respondent has chosen not to deny – are sufficient to justify petitioner’s directive to respondent to undergo psychiatric examination. However, the Commissioner declines at this time to order respondent to pay \$200 for the missed appointment with the doctor chosen by petitioner as no documentation has been submitted to show that the fee from the psychiatrist has been billed and paid by the district. The Commissioner granted summary decision to petitioner, and directed C.R. to undergo a psychiatric evaluation by a physician or institution of petitioner’s choice within thirty days of the date of this decision.

<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 29, 2006

STATE OPERATED SCHOOL DISTRICT :
OF PATERSON, PASSAIC COUNTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
C. R., : DECISION
RESPONDENT. :
_____ :

For Petitioner, Schenck, Price, Smith & King

C. R., *Pro Se*

This matter was opened before the Commissioner of Education on August 10, 2006 by way of a verified petition against respondent, a secretary employed by petitioner. Petitioner requests that the Commissioner compel respondent to undergo a psychiatric examination and reimburse petitioner for a scheduled examination that respondent failed to attend.

By notice dated August 10, 2006, the Bureau of Controversies and Disputes (the Bureau) directed respondent, via regular mail, to file an answer to the petition. On September 7, 2006, the Bureau directed respondent for a second time, via both certified and regular mail, to file an answer to the petition. The certified notice was returned as unclaimed, but neither of the notices sent by regular mail has been returned.

The first communication from the Bureau clearly provided respondent with notice that, pursuant to *N.J.A.C. 6A:3-1.5*, an individual against whom a petition is filed shall have

20 days from receipt of the petition to file an answer. The second notice advised that if respondent did not file an answer within ten days of her receipt of same, each count of the petition would be deemed to have been admitted and the Commissioner may decide the matter on a summary basis. The Bureau has received neither an answer to the petition from the respondent nor from any attorney purporting to represent respondent. Consequently, each count shall be deemed admitted, pursuant to *N.J.A.C. 6A:3-1.5(e)*.

The allegations in the verified petition and the supporting exhibits indicate that since November of 2005 respondent has been expressing concerns about monitoring by petitioner of her personal computer and telephone lines, and about perceived interference with her work by members of petitioner's information technology department (IT). Respondent also expressed worries to coworkers about alleged internal politics in the district and about her fear that IT personnel were sabotaging the data she was assigned to process. Two employees of a vendor that was implementing an information system for petitioner reported that respondent, who was also working on the project, was inundating them with calls expressing alarm and paranoia.

Respondent's distress escalated. In mid-November respondent told a co-worker that she had been to the police because the school district had broken "into the codes", was sending things to her home computer, and was driving her crazy. In December 2005, respondent was taken from work to the hospital with chest pains. At that time she expressed to a co-worker the belief that the district would not rest until "it killed her".

By way of a letter dated January 4, 2006, the district superintendent requested – pursuant to *N.J.S.A. 18A:16-2* and district policy – that respondent undergo a psychiatric examination, to be paid for by petitioner. A hearing was requested by respondent and held on

February 1, 2006. She attended with a family member, having declined union representation. At the hearing she stated, among other things, that “someone was watching her through her computer screen” and that “she could not determine when she was working in a real or a fake program”.

Respondent advised at the hearing that she had made an appointment with a psychiatrist. On February 14, 2006, petitioner received a report from the psychiatrist diagnosing respondent as suffering from a delusional disorder, persecutory type. The doctor considered the condition treatable with anti-psychotic medication and intensive psychotherapy. However, when petitioner’s director of human resources, Mr. Rojas, met with respondent to discuss the report and recommendations, respondent stated that she would not use medication or therapy.

On March 10, 2006, respondent stated that she would see another psychiatrist. Rojas advised respondent, by letter dated February 13, 2006, that the district would pay for her examination only if it approved her choice of physician. He asked respondent to sign and return a consent form within four days, and counseled her that if she did not, he would schedule an examination and notify her of the date, time and place. If she did not attend the examination, the district would take disciplinary action, and petition the Commissioner for an order both compelling the examination and reimbursing petitioner for any missed appointments.

Respondent did not return the consent form. In accordance with *N.J.S.A. 18A:16-3*, Rojas scheduled an appointment for psychiatric evaluation of respondent on July 13, 2006, and notified respondent, but respondent did not attend the appointment. A fee of \$200 was charged petitioner for the missed appointment.

The Commissioner concludes that the allegations, which respondent has chosen not to deny, may be deemed admitted, and are sufficient to justify petitioner’s directive to

respondent to undergo a psychiatric examination. At this time, however, the Commissioner will not order respondent to pay \$200 for the missed appointment with the doctor chosen by petitioner. Petitioner did not, among the many exhibits attached to the petition, include an invoice or other documentation showing that the “no show fee” from the psychiatrist had been billed and paid by the district.

IT IS ORDERED this 29th day of September, 2006, that summary decision shall be granted to petitioner with the above referenced modification. C. R. is directed to undergo a psychiatric evaluation by a physician or institution of petitioner’s choice within thirty days of the date of this Decision.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 29, 2006

Date of Mailing: October 5, 2006

¹ This decision 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.*