

#425-07

IN THE MATTER OF THE TENURE :
HEARING OF GREGORY HOWARD, : COMMISSIONER OF EDUCATION
TRENTON SCHOOL DISTRICT, :
MERCER COUNTY. :
_____ :
:

DECISION

SYNOPSIS

Petitioning Board filed tenure charges of excessive absenteeism, excessive tardiness and abandonment of position against respondent, a tenured mathematics teacher, and sought his removal from employment in the Trenton School District. Respondent failed to file an answer to the petition 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 are sufficient to warrant removal of the respondent from his tenured position. Accordingly, the Commissioner granted summary decision to the Board, ordered respondent dismissed from his tenured position, and transmitted the matter to the State Board of Examiners for action as that body deems appropriate.

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.

October 26, 2007

AGENCY DKT. NO. 284-10/07

IN THE MATTER OF THE TENURE :
HEARING OF GREGORY HOWARD, : COMMISSIONER OF EDUCATION
TRENTON SCHOOL DISTRICT, :
MERCER COUNTY. :
_____ :

DECISION

For Petitioner, Thomas W. Sumners, Jr., Esq. (Sumners George, attorneys)

No appearance by or on behalf of Respondent, Gregory Howard

This matter was opened before the Commissioner of Education on October 1, 2007 by way of a verified petition against respondent, a teacher in petitioner's district. Petitioner seeks respondent's removal for excessive absenteeism, excessive tardiness and abandonment of position.

By notice dated October 1, 2007, the Bureau of Controversies and Disputes (the Bureau) directed respondent to file an answer to the petition. The notice was sent to 1728 Mulford Street, Camden, NJ – purportedly the last known address for respondent – via certified and regular mail. The notice that was sent by regular mail was returned, marked “ATTEMPTED – NOT KNOWN – UNABLE TO FORWARD.”

The communication from the Bureau clearly provided respondent with notice that, pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4, an individual against whom tenure charges are filed shall have 15 days from receipt of the petition to file an answer. The Bureau has received neither an answer to the petition from the respondent nor from any attorney purporting to represent respondent.

The Commissioner concludes that the allegations – which respondent has chosen not to deny – may be deemed admitted, pursuant to *N.J.A.C.* 6A:3-5.4(h), and are sufficient to warrant removal of respondent from his tenured position as teacher of mathematics.

IT IS THEREFORE ORDERED that summary decision shall be granted to the petitioner, and that respondent is dismissed from his tenured position in the district's employ as of the date of the within decision.¹ This matter shall be transmitted to the State Board of Examiners for action – as that body deems appropriate – against respondent's certificate, in accordance with *N.J.A.C.* 6A:9-17.6(a)1.

COMMISSIONER OF EDUCATION

Date of Decision: October 26, 2007

Date of Mailing: October 29, 2007

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.*