

#172-14

IN THE MATTER OF THE TENURE :  
HEARING OF ANDREW DAZZ, : COMMISSIONER OF EDUCATION  
SCHOOL DISTRICT OF THE CITY OF : DECISION  
JERSEY CITY, HUDSON COUNTY. :

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SYNOPSIS

Petitioning Board filed tenure charges of incapacity, conduct unbecoming, and neglect of duty against respondent, a tenured teacher, and sought to terminate his employment with the district. Neither respondent nor any attorney acting on his behalf filed 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, pursuant to *N.J.A.C. 6A:3-5.4(h)*, the allegations – which respondent has chosen not to deny – may be deemed admitted and are sufficient to warrant termination of the respondent from his tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from his tenured position in petitioner’s school district, and forwarded a copy of this decision to the State Board of Examiners for review and action as that body deems appropriate.

<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>
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April 28, 2014

AGENCY DKT NO. 73-3/14

IN THE MATTER OF THE TENURE :  
HEARING OF ANDREW DAZZ, : COMMISSIONER OF EDUCATION  
SCHOOL DISTRICT OF THE CITY OF : DECISION  
JERSEY CITY, HUDSON COUNTY. :

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For the Petitioner, Hope R. Blackburn, Esq.

No appearance by or on behalf of Respondent, Andrew Dazz

This matter was opened before the Commissioner of Education on March 21, 2014, through certification of tenure charges of incapacity, conduct unbecoming, and neglect of duty, filed together with supporting evidence by the Secretary of the Jersey City Board of Education against Andrew Dazz, a tenured teacher in the petitioner’s employ. Petitioner provided respondent with written notice of such certification via regular and certified mail, sent on or about March 20, 2014.

On March 25, 2014, the Commissioner directed 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. 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 petitioning Board of Education in this matter indicate that respondent has been chronically and excessively absent from his duties as a teacher, resulting in an adverse impact on the continuity of the educational process for the students of petitioner's district. Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against him, the Commissioner finds that petitioner's charges of incapacity, unbecoming conduct, and neglect have been proven and warrant respondent's dismissal.

Accordingly, summary decision is hereby granted to petitioner, and respondent is dismissed from his tenured position. A copy of this decision shall be forwarded to the State Board of Examiners for review and action as that body deems appropriate.

IT IS SO ORDERED.<sup>1</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 28, 2014

Date of Mailing: April 29, 2014

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<sup>1</sup> 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*)