

DHPL #253-97
SB # 97-97

IN THE MATTER OF THE DISQUALIFI- :
CATION FROM SCHOOL EMPLOYMENT : STATE BOARD OF EDUCATION
OF A.T. : DECISION

Decided by the Assistant Commissioner of Education, May 7, 1997

For the Petitioner-Appellant, A.T., pro se

On May 7, 1997, the Deputy Commissioner of Education issued a letter decision in which he disqualified A.T. (hereinafter "appellant") from school employment in the State after a criminal history record review conducted pursuant to N.J.S.A. 18A:6-7.1 revealed that he had been convicted of aggravated assault, a disqualifying offense.

On December 4, 1997, appellant, acting pro se, filed a notice of appeal with the State Board of Education. Appellant explained the lateness of his notice by indicating that he had not been aware that he could file an appeal to the State Board.¹ On December 11, appellant was advised that this matter was being referred to the Legal Committee of the State Board for consideration of the effect of his failure to file the appeal in a timely manner. On December 22, the director of the State Board Appeals Office notified appellant that the Legal Committee had determined at its meeting of

¹ N.J.S.A. 18A:6-28 provides that appeals to the State Board must be taken within 30 days after the decision appealed from is filed.

December 17 to accept his filing. Appellant was also advised that a brief in support of his appeal was due on or before January 15, 1998.

Appellant, however, failed to file a brief by that date. By letter dated January 20, 1998, appellant was notified of his failure to file a brief and informed that this matter was being referred to the Legal Committee once again for consideration of his failure to perfect the appeal.

Appellant has still failed to file a brief in support of his appeal, nearly seven weeks after the deadline for such filing and more than six weeks after he was notified of such failure. Nor has appellant offered any explanation for his failure to file a brief or requested an extension of time for such filing. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6:2-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

March 4, 1998

Date of mailing _____