

EDU #3454-01
C # 244-03
SB # 24-03

IN THE MATTER OF THE TENURE :
HEARING OF FRANCES R. METALLO, : STATE BOARD OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
UNION CITY, HUDSON COUNTY. :

Decided by the Commissioner of Education, May 12, 2003

For the Petitioner-Respondent, Chasan, Leyner, Bariso & Lamparello
(Mitzy Galis-Menendez, Esq., of Counsel)

For the Respondent-Appellant, Frances R. Metallo, pro se

In a decision issued on May 12, 2003, the Commissioner of Education dismissed the respondent, Frances R. Metallo, a tenured teaching staff member, from her tenured employment for chronic and excessive absenteeism. On June 16, 2003, the respondent filed the instant appeal to the State Board of Education.

On July 15, 2003, the briefing schedule was placed into abeyance at the request of Douglas Ortelere, Esq., counsel for the respondent, who indicated that he had left the private practice of law and requested that the respondent be given the opportunity to secure the services of another attorney to represent her in this matter. By letter dated October 13, 2003, Mr. Ortelere submitted a certification in support of a request to be relieved as counsel. In his certification, Mr. Ortelere averred that the respondent had

refused to accept a certified letter advising her that he had left the private practice of law and that she had not responded to that letter when he subsequently resent it to her.

By letter dated October 20, 2003, the Director of the State Board Appeals Office notified Mr. Ortelere that his request to withdraw as counsel had been granted. By letter of the same date, the Director advised the respondent that the briefing schedule was being reestablished and that a brief in support of her appeal was due on November 10, 2003.

The respondent, however, failed to file a brief by that date. By letter dated November 13, 2003, the Director of the State Board Appeals Office notified the respondent of her failure to file a brief in support of the appeal and informed her that this matter was being referred to the Legal Committee of the State Board for consideration of her failure to perfect the appeal.

The respondent has still failed to file a brief in support of her appeal, nearly two months after the deadline for such filing. Nor has she offered any explanation for her failure to file or requested an extension of time. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

January 7, 2004

Date of mailing _____