

#421-12

IN THE MATTER OF THE TENURE :
HEARING OF TAHGRYAH LOYAL, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION
OF IRVINGTON, ESSEX COUNTY. :
_____ :

SYNOPSIS

Petitioning Board filed tenure charges of unbecoming conduct and other just cause against respondent, a tenured secretary, and sought to terminate her employment with the district. Neither respondent nor any attorney acting on her 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 her tenured position. Accordingly, the Commissioner granted summary decision to the petitioner and dismissed the respondent from her tenured secretarial position in petitioner’s school district.

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, 2012

AGENCY DKT NO. 289-9/12

IN THE MATTER OF THE TENURE :
HEARING OF TAHGRYAH LOYAL, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE TOWNSHIP : DECISION
OF IRVINGTON, ESSEX COUNTY. :
_____ :

For the School District of Irvington, Ronald C. Hunt, Esq.

No appearance by or on behalf of Tahgryah Loyal

This matter was opened before the Commissioner of Education on September 25, 2012 through the certification of tenure charges of conduct unbecoming a public employee and other just cause by the School District of Irvington, Essex County, against Tahgryah Loyal – a tenured secretary. The District seeks Ms. Loyal’s dismissal from her position.

By notice dated September 25, 2012, the Commissioner directed respondent, via both certified and regular mail – the certified copy being returned to the Department as unclaimed but the regular mail copy being presumed delivered – to file an Answer to the tenure charges against her. 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 by the charged employee. Because no reply has been received from respondent – or any attorney on her behalf – in response to the District’s charges, such charges against respondent are deemed to be admitted.

The Commissioner has reviewed the tenure charges certified against respondent by the District and the statement of evidence in support of those charges, which specify that:

1. On June 22, 2011, Respondent received a written reprimand due to her deletion of critical school records related to the payroll records of other employees, which Respondent was responsible for maintaining.
2. On May 18, 2012, a written reprimand was issued to Respondent[‘s] personnel file for her failure to adhere to Board policy/procedure with respect to her job duties.
3. Respondent was absent from May 2, 2012 through June 22, 2012.
4. During this period of time, Respondent claimed an illness as the basis for her absences, but respondent never provided medical documentation substantiating her illness.
5. Respondent utilized sick days; however, Respondent never provided medical documentation and the last thirteen (13) days of the school year, Respondent was AWOL and deemed to have abandoned her position.
6. During this period of time, Respondent advised her supervisor that she wanted to be terminated from her position with Petitioner.
7. On June 17, 2012, Respondent filed a claim for unemployment benefits with the NJ Department of Labor and Workforce Unemployment Insurance Office in Newark, NJ.
8. In her filing, Respondent stated the purported reason for filing for these benefits was that Petitioner had discharged her from employment.
9. Respondent’s conduct reflects her intent to abandon her position with Petitioner.

10. Petitioner never determined to discharge Respondent from her employment prior to Respondent requesting her termination and abandoning her position under the guise of an illness.

11. Due to Respondent's repeated instances of conduct unbecoming and her unequivocal abandonment of her position, Respondent's conduct represents just cause to terminate Respondent by way of tenure charges.

Noting that respondent has failed to respond to the allegations against her, the Commissioner finds that the District has demonstrated that respondent is guilty of conduct unbecoming and other just cause warranting the District's requested penalty of respondent's termination from her position.

Accordingly, summary decision is hereby granted to the District, and respondent Tahgryah Loyal is hereby terminated from her position with the School District of Irvington, Essex County effective with the filing date of this decision.¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: October 26, 2012

Date of Mailing: November 1, 2012

¹ Pursuant to *N.J.A.C.* 6A:3-1.14(c), Commissioner decisions are deemed filed three days after the date of mailing to the parties.

² 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).