

#393-12

IN THE MATTER OF THE TENURE :  
OF VANESSA HART, SCHOOL : COMMISSIONER OF EDUCATION  
DISTRICT OF THE TOWNSHIP OF :  
IRVINGTON, ESSEX COUNTY. :  
\_\_\_\_\_ :  
:

DECISION

SYNOPSIS

Petitioning Board filed tenure charges of excessive absenteeism and insubordination 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.

September 27, 2012

IN THE MATTER OF THE TENURE :  
OF VANESSA HART, SCHOOL : COMMISSIONER OF EDUCATION  
DISTRICT OF THE TOWNSHIP OF :  
IRVINGTON, ESSEX COUNTY. : DECISION  
\_\_\_\_\_ :

For Petitioner, Ronald C. Hunt, Esq.

No appearance by or on behalf of Respondent, Vanessa Hart.

This matter was opened before the Commissioner of Education on August 24, 2012 by way of certified tenure charges against respondent, a secretary in petitioner's district. Petitioner seeks respondent's removal for excessive absenteeism and insubordination.

By notice dated August 27, 2012, the Bureau of Controversies and Disputes (the Bureau) directed respondent to file an answer to the petition. The notice was sent to 402 Main Street, Unit 311, Metuchen, NJ – purportedly the last known address for respondent – via certified and regular mail. The certified mail receipt was signed and returned to the Bureau and the notice which was sent by regular mail was not.

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 certified charges 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 her tenured position as a secretary.

IT IS THEREFORE ORDERED that summary decision shall be granted to the petitioner, and that respondent is dismissed from her tenured position in the district's employ as of the date of the within decision.<sup>1</sup>

COMMISSIONER OF EDUCATION

Date of Decision: September 27, 2012

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<sup>1</sup> This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 3* (*N.J.S.A. 18A:6-9.1*).