

EDU #8490-94, #8491-94 and #7968-95 (consolidated)
C # 125-97
SB # 31-97

EMILY FOGERTY, SAWSON LABIB, EBEN	:	
MYERS AND JOHN PORTEE,	:	
	:	
PETITIONERS-APPELLANTS,	:	
	:	
V.	:	STATE BOARD OF EDUCATION
	:	
STATE-OPERATED SCHOOL DISTRICT OF	:	DECISION
THE CITY OF JERSEY CITY, HUDSON	:	
COUNTY,	:	
	:	
RESPONDENT-RESPONDENT.	:	
_____	:	

Decided by the Commissioner of Education, March 18, 1997

For the Petitioners-Appellants, Feintuch, Porwich & Feintuch (Alan S. Porwich, Esq., of Counsel)

For the Respondent-Respondent, Patricia Taylor, Esq.

On March 18, 1997, the Commissioner of Education issued a decision in which he dismissed the consolidated petitions filed by Emily Fogerty, Sawson Labib, Eben Myers and John Portee (hereinafter "appellants"), tenured teaching staff members who challenged the State-operated District's action in withholding their salary increments for the 1994-95 school year.

On April 2, 1997, appellants filed a notice of appeal with the State Board.

Pursuant to N.J.A.C. 6:2-1.11(a), appellants' brief in support of their appeal was due on April 22, 1997, 20 days after the notice of appeal was filed. Appellants,

however, failed to file a brief by that date. By letter dated April 29, 1997, the counsel for the State Board notified appellants that no appeal brief had been filed and that this matter was therefore being referred to the Legal Committee of the State Board for consideration of their failure to perfect the appeal. As a result of that notice, counsel for appellants requested that the filing deadline be extended until May 7. Appellants, however, have still failed to file a brief in support of their appeal, nearly two months after the extended deadline for such filing, or to offer any explanation for their failure to do so. Nor have appellants requested an additional extension of time for such filing.

Consequently, under the circumstances, the State Board of Education dismisses 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).

July 2, 1997

Date of mailing _____