

DHPBL #211-97
SB # 54-97

IN THE MATTER OF THE DISQUALIFI- :
CATION FROM SCHOOL EMPLOYMENT : STATE BOARD OF EDUCATION
OF J.M.C. : DECISION

Decided by the Deputy Commissioner of Education, April 25, 1997

For the Petitioner-Appellant, Robert J. Pompliano, Esq.

On April 25, 1997, the Deputy Commissioner of Education issued a letter decision in which he upheld the disqualification of J.M.C. (hereinafter "appellant") from school employment as a bus driver following a criminal history record review pursuant to N.J.S.A. 18A:39-19.1 The Deputy Commissioner found that appellant had failed to affirmatively demonstrate clear and convincing evidence of his rehabilitation.

On May 27, 1997, appellant filed a notice of appeal with the State Board.

Pursuant to N.J.A.C. 6:2-1.11(a), appellant's brief in support of his appeal was due on June 16, 1997, 20 days after the appeal was filed. Appellant, however, failed to file a brief by that date. By letter dated June 18, 1997, the counsel for the State Board notified appellant's counsel 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 his failure to perfect the appeal. Appellant's counsel has still failed to file a brief in support of the appeal, more than seven weeks after the deadline for such filing, or to offer any explanation for his failure to file. Nor has he requested an extension of time.

Consequently, 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 of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

August 6, 1997

Date of mailing _____