

EDU # 3954-99  
C # 23-01  
SB # 9-01

LESTER VINCENTI, :  
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION  
V. :  
DECISION  
BOARD OF EDUCATION OF THE ESSEX :  
COUNTY EDUCATIONAL SERVICES :  
COMMISSION, ET AL., :  
RESPONDENT-RESPONDENT. :

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Decided by the Commissioner of Education, January 25, 2001

For the Petitioner-Appellant, Lester Vincenti, pro se

For the Respondent-Respondent, John H. Watson, Esq.

Lester Vincenti (hereinafter “appellant”), a teacher of social studies, filed a petition of appeal with the Commissioner of Education alleging that the Board of Education of the Essex County Educational Services Commission (hereinafter “Board”) had improperly terminated his employment. On January 5, 2001, the Commissioner dismissed the petition, concluding that the appellant had not demonstrated his entitlement to the relief sought.

On February 26, 2001, the appellant filed a notice of appeal to the State Board of Education. Pursuant to N.J.A.C. 6A:4-1.11(a), the appellant’s brief in support of his appeal was due on March 19, 2001, 20 days after he filed his notice of appeal. The

appellant requested a 30-day extension for filing his appeal brief, which request was opposed by the counsel for the Board.<sup>1</sup>

On March 8, 2001, the appellant filed an application for an extension until April 9 in which to file his appeal brief. He subsequently amended his application so as to seek an extension until 30 days from the date of the determination of his request. The Board filed a letter brief in opposition thereto.

By letter dated March 23, 2001, the Director of the State Board Appeals Office (“Director”) notified the appellant that, upon review of the papers submitted, the Legal Committee had denied his request for an extension. Under the circumstances, the appellant was given until April 9 to file a brief in support of his appeal. The Director also informed the appellant that his failure to file a brief by that date would result in referral of this matter to the Legal Committee for consideration of the effect of his failure to perfect the appeal and that the State Board could dismiss an appeal on its own motion as the result of an appellant’s failure to file a brief.

Due to a typographical error, the letter of March 23 was mailed to an incorrect post office box. As a result, a corrected letter was sent to the appellant at his proper address on April 4, and the due date for his brief was extended until April 16.

The appellant, however, failed to file a brief by that date. The appellant has still failed to file a brief in support of his appeal, more than seven weeks after the extended deadline for such filing. Nor has he offered any explanation for his failure to file. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a).

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<sup>1</sup> Requests for extensions of time without the consent of all parties may be granted only by leave of the Legal Committee of the State Board. N.J.A.C. 6A:4-1.5(c).

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).

June 6, 2001

Date of mailing \_\_\_\_\_