

EDU #10197-00
C # 355-01 DHP
SB # 39-01

OLIVIA C. HOWARD, :
 :
 PETITIONER-APPELLANT, :
 : STATE BOARD OF EDUCATION
V. :
 : DECISION
CARL H. CARABELLI, DIRECTOR, STATE :
 OF NEW JERSEY, DEPARTMENT OF :
 EDUCATION, CRIMINAL HISTORY REVIEW :
 UNIT, AND IDA B. GRAHAM, SECRETARY, :
 STATE OF NEW JERSEY, DEPARTMENT OF :
 EDUCATION, STATE BOARD OF EXAMINERS, :
 :
 RESPONDENTS-RESPONDENTS. :
 _____ :

Decided by the Commissioner of Education, October 1, 2001

For the Petitioner-Appellant, Olivia C. Howard, pro se

For the Respondents-Respondents, Allison Colsey Eck, Deputy Attorney
General (David Samson, Attorney General of New Jersey)

On August 14, 2000, Olivia C. Howard (hereinafter “appellant”) filed a petition of appeal with the Commissioner of Education challenging the determination by the State Board of Examiners to deny her certification as a teacher on the basis of a criminal conviction in 1991 for death by auto. On October 1, 2001, the Commissioner dismissed the petition.

On October 10, 2001, counsel for the appellant filed the instant 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 her appeal was due on October 30, 2001, 20 days after she filed her notice of appeal. Counsel for

the appellant, however, requested an extension for filing the brief and also indicated that he would no longer be representing the appellant in this matter. He further related that the appellant would be appearing pro se, and he provided her address for all subsequent correspondence regarding this appeal.

On December 11, 2001, the Director of the State Board Appeals Office (“Director”) wrote to the appellant, with a copy to her former counsel, confirming that the appellant would be representing herself in this matter and informing her that, under the circumstances, a brief in support of her appeal was due by January 7, 2002. The appellant was provided with a copy of the regulations governing appeals to the State Board.

The appellant, however, failed to file a brief by that date. By letter dated January 8, 2002, the Director notified the appellant of her failure to file a brief in support of the appeal and informed her that this matter was being referred to the Legal Committee of the State Board for consideration of her failure to perfect the appeal.

The appellant has still failed to file a brief in support of her appeal, a month after the extended deadline for such filing. Nor has she offered any explanation for her failure to file or requested an additional extension of time. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(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).

Debra Casha recused herself.

February 6, 2002

Date of mailing _____