

IN THE MATTER OF THE TENURE :
HEARING OF THOMAS JABOUR, :
SCHOOL DISTRICT OF THE : COMMISSIONER OF EDUCATION
DELAWARE VALLEY REGIONAL : DECISION
HIGH SCHOOL DISTRICT, :
HUNTERDON COUNTY. :
_____:

SYNOPSIS

Board certified tenure charges of incapacity against respondent industrial arts teacher. Issue of alleged work-related injury is pending at Division of Workers' Compensation.

As respondent conceded that he was incapacitated as a result of his work-related condition and unable to work as an industrial arts teacher, the ALJ found that he was incapacitated and concluded that the Board established by a preponderance of credible evidence that respondent's tenure must be removed. Motion for summary decision was granted.

Commissioner adopted findings and determination in initial decision as his own. Commissioner dismissed respondent from his tenured position as of the date of this decision and referred the matter to the State Board of Examiners for action against his certificate as it deems appropriate.

JANUARY 8, 1999

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review of the record in this matter, the Commissioner determines to affirm the initial decision of the Administrative Law Judge (ALJ) finding that the Board has established that respondent is incapacitated from performing his responsibilities as a teacher of industrial arts. The Commissioner notes that not only does respondent concede his total and permanent disability (initial decision at p. 4), but two physicians affirm that he is presently unable to resume his instructional duties, and will be incapable of doing so in the foreseeable future.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein. Respondent is deemed dismissed from his tenured position as a teacher as of the date of this decision. This matter shall be referred to the State Board of Examiners pursuant to *N.J.A.C.* 6:11-3.6 for action against his certificate as it deems appropriate.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

JANUARY 8, 1999

* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6:2-1.1 *et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.