

#134-08L

March 26, 2008

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Dear Counsel:

On February 28, 2008, I issued a decision in the case entitled *In the Matter of the Tenure Hearing of Anthony Paraskevopoulos, State-operated School District of the City of Newark, Essex County*, Agency Dkt. No. 22-1/08, Commissioner Decision No. 92-08, which ordered respondent dismissed from his tenured position as a teacher. In deciding the matter, each count of the tenure charges was deemed to have been admitted since respondent had failed to submit a timely Answer to the tenure charges. By letter dated March 5, 2008, Mr. Auffant submitted, on respondent's behalf, a request for reconsideration. By letter dated March 7, 2008 from the Director of the Bureau of Controversies and Disputes, counsel for the District was provided an opportunity to file a reply to respondent's reconsideration request.

I have reviewed Mr. Auffant's submission, dated March 5, 2008, wherein he purports that "[o]n January 25, 2008, I served a copy of my Answer on the Commissioner of Education and the Newark Public Schools by placing same in the regular mail of the U.S. Mail." I have, additionally, reviewed the District's response, dated March 11, 2008, wherein it acknowledges receiving respondent's Answer to the tenure charges against him on January 28, 2008. In consideration of such representations, I find that, notwithstanding – for whatever reason – that respondent's Answer to the tenure charges against him was not received by the Department of Education, it would be contrary to the interests of justice to deprive him of the opportunity to have the merits of his case decided by this agency. Consequently, I have determined to vacate my order of February 28, 2008 and to accept respondent's untimely Answer submitted with his motion for reconsideration.

Accordingly, this matter shall be transmitted to the Office of Administrative Law for further proceedings in an expeditious and timely manner as required by *P.L. 1998, c.42*.

Sincerely,

Lucille E. Davy
Commissioner

LED/DA/MKD/MH
c: County Superintendent
Clerk, OAL