

#356-12 (OAL Decision: Not yet available online)

VA'NECHIA SIMMONS,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE CITY	:	DECISION
OF ELIZABETH, UNION COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioner appealed the decision of the respondent Board to terminate her employment as a teacher through a reduction in force (RIF) at the end of the 2010-2011 school year. Petitioner was continuously employed by the Board from October 2006 through June 2010. Petitioner contended that the Board offered teaching contracts to other school employees with less seniority than petitioner, in violation of her tenure and seniority rights. Petitioner sought reinstatement and back pay retroactive to the date of her termination.

The ALJ found that: petitioner failed to appear for a hearing in this matter on July 30, 2012, despite having received appropriate notice; and attorney for the petitioner appeared at the hearing and confirmed on record his ongoing inability to reach his client via telephone, and via certified and regular mail. Accordingly, the ALJ concluded that petitioner had abandoned this matter and ordered the case returned to the Department for appropriate disposition.

Upon careful and independent review, the Commissioner concurred with the ALJ's findings and conclusions and, accordingly, adopted the Initial Decision of the OAL as the final decision in this matter.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

August 29, 2012

OAL DKT. NO. EDU 00854-11
AGENCY DKT. NO. 706-12/10

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 PETITIONER, :
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 V. : COMMISSIONER OF EDUCATION
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 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge that – because petitioner failed to appear at the July 30, 2012 hearing in this matter, after having received due notice of such hearing – this matter is appropriately dismissed for failure to prosecute.

Accordingly, the recommended decision of the OAL is adopted and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 29, 2012

Date of Mailing: August 29, 2012

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).