

#241-12

IN THE MATTER OF THE TENURE :
HEARING OF SEAN ECONOMOU, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
BOROUGH OF METUCHEN, :
MIDDLESEX COUNTY. :

SYNOPSIS

Petitioning Board filed tenure charges of chronic and excessive absenteeism and conduct unbecoming against respondent, a tenured Spanish teacher, and sought to terminate his employment with the district. Neither respondent nor any attorney acting on his behalf filed an answer to the petition following notice pursuant to *N.J.A.C.* 6A:3-5.3 and 6A:3-5.4.

The Commissioner concluded that, pursuant to *N.J.A.C.* 6A:3-5.4(h), the allegations – which respondent has chosen not to deny – may be deemed admitted and are sufficient to warrant termination of the respondent from his tenured position. Accordingly, the Commissioner granted summary decision to the petitioner, dismissed the respondent from his tenured teaching position in petitioner’s school district, and forwarded a copy of this decision to the State Board of Examiners for action against respondent’s certificate as that body deems appropriate.

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.

June 14, 2012

AGENCY DKT NO. 84-3/12

IN THE MATTER OF THE TENURE :
HEARING OF SEAN ECONOMOU, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
BOROUGH OF METUCHEN, :
MIDDLESEX COUNTY. :

For the Petitioner, Mary H. Smith, Esq.

No appearance by or on behalf of Respondent, Sean Economou

This matter was opened before the Commissioner of Education on March 30, 2012, through tenure charges of chronic and excessive absenteeism and conduct unbecoming certified by the Secretary of the Metuchen Board of Education, together with supporting evidence against Sean Economou, a tenured teacher in the petitioner’s employ. Petitioner provided respondent with written notice of such certification via overnight mail sent on or about March 29, 2012.

On March 30, 2012, the Commissioner directed respondent – via both certified and regular mail – to file an answer to the charges. This communication clearly provided notice to respondent that, pursuant to *N.J.A.C. 6A:3-5.3 and 6A:3-5.4*, an individual against whom tenure charges are certified “*shall have 15 days from the day such charges are filed with the Commissioner to file a written response to the charges with the Commissioner,*” and that failure to answer within the prescribed period would – absent granting of an extension for good cause shown – result in the charges being deemed admitted. Although the copy sent via certified mail

was returned indicating that the notice was unclaimed, the notice sent via regular delivery was not returned as undeliverable. No reply to the tenure charges was received from or on behalf of respondent.

The certified tenure charges and statement of supporting evidence filed by the petitioning Board of Education in this matter indicate that respondent was absent from work for the entire month of June 2010, the entire 2010-2011 school year and the 2011-2012 school year to date. Moreover, the respondent has repeatedly failed to keep the Board apprised of his intent to return to work and has systematically ignored the Board's numerous requests for information in that regard.

Deeming the allegations to be admitted and noting that respondent has failed to respond to the charges certified against him, the Commissioner finds that petitioner's charges of chronic and excessive absenteeism and unbecoming conduct have been proven and that it warrants respondent's dismissal.

Accordingly, summary decision is hereby granted to petitioner, and respondent is dismissed from his tenured position. A copy of this decision will be forwarded to the State Board of Examiners for action as that body deems appropriate.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 14, 2012

Date of Mailing: June 15, 2012

¹ 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*)