

#356-16

IN THE MATTER OF THE TENURE :
HEARING OF CORISSA DEVENEY, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
BAYONNE, HUDSON COUNTY. :

SYNOPSIS

Petitioning Board filed tenure charges of conduct unbecoming and excessive absenteeism against respondent, a tenured secretary, and sought to terminate her employment with the district. Neither respondent nor any attorney acting on her 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 the allegations – which respondent has chosen not to deny – may be deemed admitted, and are sufficient to warrant termination of the respondent from her tenured position. Accordingly, the Commissioner granted summary decision to the petitioner and dismissed the respondent from her tenured position in petitioner’s school district.

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.

October 14, 2016

IN THE MATTER OF THE TENURE :
HEARING OF CORISSA DEVENEY, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF : DECISION
BAYONNE, HUDSON COUNTY. :

For the Petitioner, Robert J. Merryman, Esq.

No appearance by or on behalf of Respondent, Corissa Deveney

This matter was opened before the Commissioner of Education on August 29, 2016, through tenure charges of conduct unbecoming and excessive absenteeism certified by Patricia McGeehan, Superintendent of the School District of the City of Bayonne, together with supporting evidence against Corissa Deveney, a tenured secretary in the petitioner’s employ. The petitioner provided respondent with written notice of such certification at the respondent’s last known address, via regular and certified mail, sent on or about August 25, 2016.

On August 30, 2016, the Commissioner directed the 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. The certified mail copy that was sent to the respondent was returned as unclaimed. The copy sent to the respondent via regular mail was not returned. 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 petitioner in this matter indicate that respondent is a 10-month tenured secretary employed by the District, and that her attendance has been an issue since the 2012-2013 school year. During the 2015-2016 school year, the respondent worked only 10 days between September 1, 2015 and September 28, 2015. The respondent went out on leave under the Family and Medical Leave Act (FMLA) on October 1, 2015; this leave was originally intended to conclude on November 23, 2015, but was extended several times until April 1, 2016. Throughout her FMLA leave, the respondent failed to report back to work as scheduled and failed to call in to report her absences despite numerous written and verbal requests for updated medical information. Finally, since the respondent's most recent medical authorization expired on April 1, 2016, the respondent has not returned to work and all of the District's requests for further information have gone unanswered.

Deeming the allegations to be admitted – and noting that respondent has failed to respond to the charges certified against her – the Commissioner finds that petitioner's charges of excessive absenteeism and conduct unbecoming a staff member have been proven, and that they warrant respondent's dismissal. Accordingly, summary decision is hereby granted to the petitioner, and the respondent is dismissed from her tenured position with the District.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 14, 2016

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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*)