

EDU #1670-95
C # 9-97
SB # 10-97

CLARINDA BRUECK AND FREDERICK :
FOCHESATO, :
 :
PETITIONERS-RESPONDENTS, :
 :
V. : STATE BOARD OF EDUCATION
 :
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF FAIRVIEW, BERGEN :
COUNTY, :
RESPONDENT-APPELLANT. :

Decided by the Commissioner of Education, January 10, 1997

For the Petitioners-Respondents, Springstead & Maurice (Alfred F. Maurice,
Esq., of Counsel)

For the Respondent-Appellant, Oury & Mizdol (Dennis J. Oury, Esq., of
Counsel)

On January 10, 1997, the Commissioner of Education issued a decision in which he found that the Board of Education of the Borough of Fairview (hereinafter "Board") had violated the tenure and seniority rights of the petitioners, tenured teaching staff members, when it abolished their positions as the result of a reduction in force.

On February 10, 1997, the Board filed a notice of appeal with the State Board.

Pursuant to N.J.A.C. 6:2-1.11(a), the Board's brief in support of its appeal was due on March 3, 1997, 20 days after the appeal was filed. The Board, however, failed to file a brief by that date. By letter dated March 10, 1997, the counsel for the State

Board notified the Board that no appeal brief had been filed and that this matter was therefore being referred to the Legal Committee of the State Board for consideration of its failure to perfect the appeal. The Board has still failed to file a brief in support of its appeal, more than two months after the deadline for such filing, or to offer any explanation for its failure to do so. Nor has it requested an extension of time for such filing.

Consequently, the State Board of Education dismisses the appeal in this matter for failure to perfect. N.J.A.C. 6:2-1.12(a).

May 7, 1997

Date of mailing _____