

EDU #8281-95  
C # 436-96  
SB # 77-96

MARLENE MARBUT, :  
PETITIONER-APPELLANT, :  
V. : STATE BOARD OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF SOUTH BRUNSWICK,  
MIDDLESEX COUNTY, :  
RESPONDENT-RESPONDENT. :

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Decided by the Commissioner of Education, September 30, 1996

For the Petitioner-Appellant, Klausner & Hunter (Stephen E. Klausner, Esq.,  
of Counsel)

For the Respondent-Respondent, Carroll & Weiss (John E. Collins, Esq.,  
of Counsel)

On October 24, 1996, appellant's counsel filed a notice of appeal to the State Board of Education from the Commissioner's decision, which had concluded that appellant had not achieved tenure as a clerical employee. Pursuant to N.J.A.C. 6:2-1.11(a), a brief in support of an appeal must be filed "within 20 days after the appeal has been filed." Thus, as mandated by N.J.A.C. 6:2-1.11(a) and computed under N.J.A.C. 6:2-1.4, appellant's counsel was required to file an appeal brief by November 13, 1996. No brief was filed by that date, nor did counsel for Appellant request an extension for such filing.

By letter dated November 19, 1992, appellant's counsel was notified of his failure to file a brief in support of the appeal. Counsel was advised that the matter was being referred to the Legal Committee of the State Board of Education for consideration of his failure to perfect the appeal as provided for by N.J.A.C. 6:2-1.12, which authorizes dismissal of an appeal on motion of the State Board for failure to meet the filing deadline for the appeal brief. Appellant's counsel failed to respond to this notice.

As described above, pursuant to N.J.A.C. 6:2-1.11(a), appellant's brief was due on November 13, 1996. Appellant's counsel did not file a brief by that date and has not acted to rectify this failure in any way. Nor has he at any time requested an extension or provided any explanation for his failure to file a brief. Because appellant's counsel has failed to perfect the appeal, the State Board of Education therefore dismisses it. N.J.A.C. 6:2-1.12(a). Paszamant v. Highland Park Board of Education, Docket # A - 4812-91-3 ( App. Div. 1993).

Jean D. Alexander abstained.

January 8, 1997

Date of mailing \_\_\_\_\_