

EDU #2457-96
C # 171-97
SB # 37-97

M.F., on behalf of M.A., :
PETITIONER-APPELLANT, :
V. : STATE BOARD OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF WEST CAPE MAY,
CAPE MAY COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, April 10, 1997

For the Petitioner-Appellant, Meredith G. Flersham, pro se

For the Respondent-Respondent, Archer & Greiner (Arthur F. Ridsen, Esq., of Counsel)

On April 10, 1997, the Commissioner of Education issued a decision in which he dismissed the petition filed by M.F. (hereinafter "appellant"), in which she sought to have her child, M.A., exempted from the requirement of undergoing a Mantoux intradermal tuberculin test pursuant to N.J.A.C. 6:29-2.3 when she transferred to a district in the State.

On April 21, 1997, appellant, acting pro se, filed a notice of appeal with the State Board.

Pursuant to N.J.A.C. 6:2-1.11(a), appellant's brief in support of her appeal was due on May 12, 1997, 20 days after the appeal was filed. Appellant, however, failed to

file a brief by that date. By letter dated May 15, 1997, the counsel for the State Board notified appellant 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 her failure to perfect the appeal. Appellant has still failed to file a brief in support of her appeal, nearly two months after the deadline for such filing and seven weeks after she was notified of her failure to file. Nor did appellant respond to that notice or provide any explanation for her failure to file a brief until this morning when she indicated in a letter to the Legal Committee that she has been busy during this period on divorce proceedings in New York. She also requested additional time to “find, interview and...retain” legal counsel, and asked that her submission be considered as her appeal brief in the event her request for additional time were to be denied.

We conclude that the belated explanation offered by appellant does not, under the circumstances, excuse or justify her failure to file an appeal brief for nearly two months or to request an extension for such filing. Appellant’s involvement in unrelated legal proceedings in New York does not in any way excuse her disregard of our filing deadlines or her failure to request an extension. Consequently, while we are mindful of appellant’s pro se status, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6:2-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff’d, Docket #A-4812-91-3 (App. Div. 1993).

July 2, 1997

Date of mailing _____