

EDU #10053-99
C # 17-02
SB # 10-02

RALPH MCCULLOUGH, :
 :
 PETITIONER-RESPONDENT, :
 : STATE BOARD OF EDUCATION
V. :
 : DECISION
BOARD OF EDUCATION OF THE CITY :
 OF TRENTON, MERCER COUNTY, :
 :
 RESPONDENT-APPELLANT. :
_____ :

Decided by the Commissioner of Education, January 15, 2002

For the Petitioner-Respondent, Bergman & Barrett (Michael T. Barrett, Esq., of Counsel)

For the Respondent-Appellant, Sumners George (Richard E. Golden, Esq., of Counsel)

In a decision issued on January 15, 2002, the Commissioner of Education concluded that the petitioner, a janitor for the Trenton school district, had acquired tenure in his custodial position pursuant to N.J.S.A. 18A:17-3.

On February 15, 2002, the Board of Education of the City of Trenton (hereinafter "Board") filed the instant appeal to the State Board of Education.

Pursuant to N.J.A.C. 6A:4-1.11(a), the Board's brief in support of its appeal was due on March 7, 2002, 20 days after it filed its notice of appeal. The Board, however, failed to file a brief by that date. By letter dated March 11, 2002, the Director of the State Board Appeals Office notified the Board of its failure to file a brief in support of the

appeal and informed it that this matter was 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, nearly a month after the deadline for such filing. Nor has it offered any explanation for its failure to file or requested an extension of time. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(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).

April 3, 2002

Date of mailing _____