

IN THE MATTER OF THE DISQUALIFICATION :  
FROM SCHOOL EMPLOYMENT OF : STATE BOARD OF EDUCATION  
THOMAS PATRICK TUOHY. : DECISION

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Decided by the Manager, Criminal History Review Unit, February 10, 2003

For the Appellant, Thomas Patrick Tuohy, pro se

For the Respondent, Cindy Campbell, Deputy Attorney General  
(Peter C. Harvey, Acting Attorney General of New Jersey)

By letter dated March 12, 2003, the appellant requested to file an appeal from a determination dated February 10, 2003 in which, according to his letter, he was “permanently disqualified from substitute certification by the Commissioner of Education....” By letter dated March 25, 2003, the Director of the State Board Appeals Office (“Director”) advised the appellant that his letter was being considered as a notice of appeal to the State Board of Education. The Director added:

It appears that you are appealing from a determination by the Manager of the Criminal History Review Unit on February 10, 2003 disqualifying you from school employment as the result of a conviction for possession of marijuana in 1995. However, you indicate in your letter that you lost a copy of the decision from which you are appealing and, therefore, did not provide a copy of that decision with your appeal, as required by N.J.A.C. 6A:4-1.7(c). In light of your pro se status, we are enclosing a copy of the February 10, 2003 letter. Please confirm by April 4 that this is the decision from which you are appealing.

The appellant was also advised that he was required to submit proof of service of his notice of appeal on the Deputy Attorney General representing the Criminal History

Review Unit by April 4. He was provided with a copy of the regulations governing appeals to the State Board and informed that the briefing schedule was being placed in abeyance pending preparation of a statement of items comprising the record on appeal by the Attorney General's Office as required by N.J.A.C. 6A:4-1.8(b).

By letter dated April 3, 2003, the Director advised the appellant that the record had been received and that the briefing schedule was being established. He was informed that a brief in support of his appeal was due by April 23, 2003.

The appellant, however, failed to file a brief by that date. Nor did he respond to the Director's letter of March 25. By letter dated April 28, 2003, the Director notified the appellant of his failure to file a brief in support of the appeal and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of his failure to perfect the appeal.

The appellant has still failed to file a brief in support of his appeal, more than a month after the deadline for such filing, or confirmed that he was appealing from the February 10, 2003 determination by the Manager of the Criminal History Review Unit. Nor has he offered any explanation for such failures or requested an extension of time for filing his appeal brief. 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).

June 4, 2003

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