

EDU #9048-96, #9049-96, #9051-96, #9053-96, #9054-96, #9055-96, #9320-96,  
#9321-96, #9724-96, #9725-96, #9727-96, #9728-96, #9729-96 and #9730-96  
(consolidated)  
C # 313-98  
SB # 78-98

ROSA POWELL, DAVID DEAN, ROXIE :  
FOSTER, SERGE BRAIDA, ROBERT :  
OLSEN, ELENA ROBERTS, MAGDALENE :  
NICHOLS, AUDREY LEVY, HELEN :  
SCHWARTZ, PATRICIA D'ANDREA :  
CILBERTI, KATHERINE BURNO, ELAINE :  
O'CONNELL, THERESA D'ELIA AND : STATE BOARD OF EDUCATION  
GEORGE HETTERSHEIMER, :  
 : DECISION  
PETITIONERS-APPELLANTS, :  
 :  
V. :  
 :  
STATE-OPERATED SCHOOL DISTRICT :  
OF THE CITY OF JERSEY CITY, :  
HUDSON COUNTY, :  
 :  
RESPONDENT-RESPONDENT. :  
\_\_\_\_\_ :

For the Petitioners-Appellants, Feintuch, Porwich & Feintuch (Alan S. Porwich,  
Esq., of Counsel)

For the Respondent-Respondent, Charlotte Kitler, Esq.

On July 17, 1998, the Commissioner of Education dismissed the petition of appeal filed in this matter by employees of the State-operated School District of the City of Jersey City (hereinafter "appellants") who alleged that they had suffered work-related injuries. Appellants claimed that the State-operated District had improperly deducted sick days from their accumulated sick leave in violation of N.J.S.A. 18A:30-2.1.

On August 14, 1998, the appellants filed a notice of appeal with the State Board of Education.

Pursuant to N.J.A.C. 6:2-1.11(a), the appellants' brief in support of their appeal was due on September 3, 1998, 20 days after they filed their notice of appeal. Appellants, however, failed to file a brief by that date. By letter dated September 28, 1998, the Director of the State Board Appeals Office notified appellants of their failure to file a brief and informed them that this matter was being referred to the Legal Committee of the State Board for consideration of their failure to perfect the appeal.

On October 29, 1998, a month after appellants were notified of their failure to file a brief in support of their appeal, counsel for the appellants filed a motion for leave to file a brief out of time, contending that the brief had not been filed in a timely manner "through inadvertence and administrative error." Brief in support of motion, at 1. He did not submit a brief in support of the appeal with his motion, but, rather, requested a "brief extension of time" for such filing. Id. at 2. Counsel for the appellants provided no further explanation of the circumstances surrounding his failure to file a brief for two months after the filing deadline and, as noted, has still failed to file a brief in support of the appeal. Under these circumstances, we find no basis for granting appellants' request. Consequently, we deny their motion for leave to file a brief out of time and 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, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

November 4, 1998

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