

IN THE MATTER OF THE TENURE :  
HEARING OF JANET INGRAM, :  
SCHOOL DISTRICT OF BLOOMINGDALE, : COMMISSIONER OF EDUCATION  
PASSAIC COUNTY. : DECISION

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SYNOPSIS

The Board certified tenure charges of unbecoming conduct and insubordination against respondent teacher due to her alleged refusal to cooperate with school administration and her refusal to comply with the Board's directive to undergo a physical and a psychiatric examination.

The ALJ concluded that the Board met its burden of proving that respondent had committed several acts of insubordination sufficient to merit termination from her position. The ALJ ordered respondent dismissed from her employment as a teacher with the school district.

In light of the ALJ's credibility assessments, the Commissioner concurred that the Board proved its charges of insubordination against respondent and that her termination was warranted. The Commissioner adopted the Initial Decision as his own.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

OAL DKT. NO. EDU 9068-01  
AGENCY DKT. NO. 367-9/01

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Respondent's exceptions were untimely filed pursuant to *N.J.A.C. 1:1-18.4(a)*, in that the Initial Decision was mailed to the parties on May 23, 2002, and the exceptions were filed on June 10, 2002, outside the 13-day period prescribed by regulation. Accordingly, neither the exceptions nor the reply thereto is considered in the Commissioner's determination of this matter.

Upon review, and based upon the credibility assessments of the ALJ, *N.J.S.A. 52:14B-10(c)*, the Commissioner concurs that petitioner has proven its charges of insubordination against respondent. Under these circumstances, the Commissioner further agrees that respondent's acts of insubordination are sufficient to warrant her termination. (Initial Decision at 13)

Accordingly, the Initial Decision is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 27, 2002

Date of Mailing: June 27, 2002

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\* This decision, as the Commissioner's final determination, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.