

OPHELIA FETTER,	:	IN THE COURT OF COMMON PLEAS OF
	:	LYCOMING COUNTY, PENNSYLVANIA
Petitioner	:	
	:	
vs.	:	NO. 02-00,730
	:	
JERSEY SHORE AREA	:	
SCHOOL DISTRICT,	:	
	:	
Respondent	:	1925(a) OPINION

*Date: December 24, 2002*

**OPINION IN SUPPORT OF THE ORDER OF SEPTEMBER 26, 2002 IN COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Respondent, Jersey Shore Area School District, has appealed this Court's Order Of September 26, 2002. In that Order, this Court directed that the Respondent conduct a full hearing as to whether or not the Petitioner, Ophelia Fetter, abandoned her position with the Jersey Area School District on or about June 29, 2002. In reaching that decision, this Court found that the letter of June 29, 2001 was not a valid adjudication.

This Court, as can be seen by the transcript pages 29 through 38, stated on the record its reasons for entering the Order remanding this case. Essentially, this Court found that the School Board had never made an adjudication that terminated the employment of the Petitioner. The Respondent argued that a letter dated June 29, 2001 served as an adequate adjudication. This Court determined that it was not. The letter lacked a clear statement that there was a determination and the facts and reasoning supporting that determination. The language used in the letter was more in the way of a communication between counsel as to what might happen and the arguments supporting those outcomes. The letter was also deficient for lack of notice. The letter did not contain any notice to Petitioner that the letter was an

adjudication and that she was entitled to a hearing. *Kohl v. Rice Township Board of Supervisors*, 545 A.2d 480 (Pa. Cmwlth. 1988). Therefore, Petitioner now has a right to a hearing. 2 Pa.C.S.A. §5553; *Pavonarius v. Allentown*, 629 A.2d 204 (Pa. Cmwlth. 1993).

Further, this Court believes Respondent's Concise Statement of Matters Complained of on Appeal to be deficient and for that reason alone this appeal should be dismissed. The Statement of Matters Complained of on Appeal does nothing more than state that "the Court erred in its finding that the June 29, 2001 letter was ineffective notice" that an adjudication of abandonment of employment had been made. The Statement does not state the nature of the error. It does not state that there were insufficient facts or that there was an error of law or what specific misapplication of the law to the facts this Court made in the course of the proceedings. As a result, this Court cannot further explain its reasoning other than what is already set forth on the record.

BY THE COURT,

William S. Kieser, Judge

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Judges  
Christian Kalas, Esquire  
Gary L. Weber, Esquire (Lycoming Reporter)