

December 12, 2005

Hon. Joel I. Klein  
Chancellor  
New York City Public Schools  
Department of Education  
52 Chambers Street, Room 314  
New York, NY 10007

Re: James Thomas  
SCI Case #2005-2890

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that James Thomas, a teacher assigned to the Fordham Leadership Academy for Business and Technology in the Bronx, submitted false documents to explain his absence from work.<sup>1</sup> Specifically, Thomas provided military orders claiming that, in his role as a Lieutenant Colonel in the Air National Guard, he was being deployed to active duty in New Orleans to assist with Hurricane Katrina disaster relief from October 11 until October 17, 2005.<sup>2</sup> Thomas actually used the days off to travel to Brazil purportedly to attend a religious conference.

This investigation began in November 2005, when Principal Leonard Wolff contacted this office and reported that Thomas had submitted false military documentation on which he listed himself as having been activated for duty on dates when he was absent from the school. A check with the Air National Guard 106<sup>th</sup> Rescue Wing revealed that no such orders activating Thomas existed. Principal Wolff faxed to this office copies of genuine military orders previously submitted by Thomas, as well as the false paperwork.

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<sup>1</sup> Thomas was not reassigned during this investigation.

<sup>2</sup> October 10, 2005, was Columbus Day, and October 13, 2005, was Yom Kippur, paid Department of Education holidays. Thomas was absent from his teaching position on October 11, 12, 14, and 17, 2005.

Payroll Secretary Annie Torres provided relevant information. She explained that, for prior absences, Thomas had provided her with orders before beginning his military leave. However, this time, Thomas gave a note, dated September 29, 2005, to the principal's secretary notifying Wolff that he would be absent from the school on 4 days in October because he was going on military leave. Upon receiving the note, Torres asked Thomas for a copy of his orders. In response, Thomas advised her that his orders were at home and that he would provide them upon his return. When he failed to do so, in writing, Torres informed Thomas that he would be docked for the days he did not come to work unless the orders were supplied. Torres ran into Thomas on October 18<sup>th</sup>, she again requested the orders, and he complied. According to Torres, upon review, she realized that they were not the same as previous orders. After conferring with the school's administration, Torres contacted the air base and learned that the Air National Guard could not confirm that the orders were genuine.

Torres confirmed that Thomas was absent on October 11, 12, 14, and 17, 2005, that these days were not deducted from the teacher's cumulative absence report and, instead, were excused as military leave. Thus, Thomas received \$828 in salary for the 4 days that he did not report to work.<sup>3</sup>

Colonel James Scuttina, Vice Wing Commander for the 106<sup>th</sup> Air National Guard Rescue Wing, confirmed that "Special Order AL-203," dated October 7, 2005, which Thomas submitted to the Fordham Leadership Academy, was not authentic. According to Colonel Scuttina, Thomas had been the unit Chaplain for 28 years. He added that United States Air Force representatives had spoken with Thomas who admitted creating the false military orders and he took full responsibility for his actions. Colonel Scuttina reported that, following a review by the Office of the Judge Advocate General, Thomas's retirement papers were being processed.

In an interview with investigators from this office, James Thomas admitted his misconduct. Thomas explained that he is a Lutheran minister and, in October 2005, wanted to attend a religious conference being held in Brazil. He added that he is a Lieutenant Colonel in the Air National Guard who served as the unit Chaplin for the past 28 years. Thomas acknowledged that he wrote a note advising the school that he would be on military leave from October 12 through October 17, 2005. He confirmed that he took off from school during that time and admitted that he was not on active military duty. Instead, according to Thomas, he attended the conference in Brazil. Thomas explained that Torres repeatedly asked him for his orders and, as a result, when he went home, he typed a set of false military orders to cover the period of time he was in Brazil.<sup>4</sup>

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<sup>3</sup> Thomas did not receive an extra check, rather, he received his regular paycheck. His time balance remained unchanged and he was not docked for unauthorized absences.

<sup>4</sup> Thomas lives in the Bronx.

He admitted that he provided these fraudulent documents to Torres so that no deduction would be made from his cumulative absence report. Thomas asserted: "I didn't have to do this" and "It's a crime and I know it's a crime." Thomas also conceded that he could have faced a court martial by the Air National Guard, but was being allowed to retire.<sup>5</sup>

It is the recommendation of this office that James Thomas's employment be terminated, that he be placed on the ineligible list, and that this matter be considered should he apply for any position in the New York City school system in the future. In addition, he must repay the funds – \$828 – to which he was not entitled.

We are referring our findings to Bronx County District Attorney Robert T. Johnson for whatever action he deems appropriate.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated regarding James Thomas. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON  
Special Commissioner  
of Investigation for the  
New York City School District

By: \_\_\_\_\_

Regina A. Loughran  
First Deputy Commissioner

RJC:RAL:gm

c: Michael Best, Esq.  
Theresa Europe, Esq.

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<sup>5</sup> Thomas informed investigators that his retirement from the Air National Guard would take effect no later than January 2006.