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FOR THE NEW YORK CITY SCHOOL DISTRICT
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August 16, 2005

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

Re: Dorrit Matson
SCI Case #2005-0266

Dear Chancellor Klein:

An investigation conducted by this office has found that Dorrit Matson, a teacher assigned to the Bayard Rustin Educational Complex in Manhattan, worked as the conductor for the New York Scandia Symphony while out sick from her employment with the Department of Education ("DOE").¹

This investigation began in January 2005, when Assistant Principal Robert Hall contacted this office and reported that Matson worked as the conductor of the Symphony located at Trinity Church while out on sick leave.

Information obtained from the New York Scandia Symphony website confirmed that Dorrit Matson was the director and conductor of the Symphony which she founded in 1988. The site, which contains photographs of Matson, also noted concerts at Trinity Church, the Symphony's home base, on November 18, 2004, February 17, 2005, and May 12, 2005.

Investigators obtained relevant documents relating to Matson's sick time. Absence records showed a few days of medically certified or self-treated sick leave in October and December 2004, a number of days in November 2004, and most of January

¹ Matson was not reassigned as a result of this investigation, but continued on a Leave of Absence for Restoration of Health. She is scheduled to return to work in September 2005.

2005.² Then, in February 2005, she requested a leave of absence without pay.

A letter from Principal John Angelet to Matson indicated that in a telephone conversation with the teacher on November 16, 2004, she informed the principal that she was sick that day and would be out the better part of the week.³ When Angelet advised Matson that he was aware she had a concert that week, the teacher responded that she would have to miss it because she was ill. Nevertheless, the letter continued that Angelet, in a December conference, confronted Matson with the fact that she conducted the concert held on November 18, 2004, which was broadcast live on public radio.⁴ After a period of silence, Matson asked the principal to deduct the days from her pay and then inquired whether Angelet "knew what it was like to conduct a concert ill."

Matson's Application for Leave Without Pay for Restoration of Health from February 5, 2005 through June 30, 2005, was approved by the principal based on the physician's certification section completed by an unnamed doctor with an illegible signature. The stated technical condition was "[REDACTED]" and it noted the common designations as "neck, shoulders, and upper and lower back pain." Investigators visited the physician's office address included on the document and spoke with Mary Bu, the office manager for Doctor Tsai Chung Chao, who reviewed Matson's request for leave application and verified that the signature on it belonged to Dr. Chao. The doctor later spoke with the assigned investigator by telephone. Dr. Chao explained that Matson suffered from "[REDACTED]" known as "[REDACTED]". He added that the teacher's condition was brought on by physical or emotional stress and that Matson had complained that her professional relationship with school administrators was strained and caused her stress. The physician informed the investigator that Matson needed time off from her DOE position and that the pain caused by "[REDACTED]" could take months to subside. According to Dr. Chao, Matson could be able to conduct an orchestra with "[REDACTED]" because she would be away from the environment which caused her the stress that resulted in the onset of the condition.

We subpoenaed information from the Scandia Symphony. Operations Manager for Trinity Concerts Victor Kioulaphides, also provided details to investigators. Kioulaphides explained that most of the New York Scandia Symphony concerts took place on Thursdays, with 2 rehearsals on 2 separate days preceding the performance. Kioulaphides reported that Matson never had missed a rehearsal or a performance. According to Kioulaphides, Matson was the conductor and "without the conductor there would not be a concert." Kioulaphides did not know how much Matson was paid for conducting the Symphony.

² Dr. Martin Feldman authenticated a medical note from him, dated January 13, 2005, regarding Matson. The note explained that Matson was under continued therapy for recurrent "[REDACTED]" which was so severe that the doctor recommended reduction of all activities and authorized medical leave through February 4, 2005.

³ She was, in fact, absent that week.

⁴ Angelet told investigators that he listened to the concert and heard Matson introduced.

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A comparison of the documents received from the Symphony with Matson's sick leave records revealed that, in 2003, the teacher took self-treated days at her DOE position on May 21st and May 22nd, but conducted a concert at Trinity Church at 1:00 p.m. on May 22nd. That same year, she was absent for self-treated days on November 5th and November 6th, but conducted the Symphony at 1:00 p.m. on November 6th. In 2004, Matson used self-treated sick time on May 5th and May 6th, but conducted a concert on May 6th at Trinity Church at 1:00 p.m. That same year, she took a self-treated sick day on November 15th and medically certified sick leave on November 16th, 17th, and 18th. However, she did not provide any medical documentation to explain and authorize those absences. Nevertheless, she conducted the Symphony at a 1:00 p.m. concert on November 18th. In 2005, while on her unpaid leave to restore her health, Matson conducted concerts at Trinity Church, held at 1:00 p.m., on February 17th and May 12th.

Through her attorney, Dorrit Matson declined the opportunity to be interviewed by investigators from this office.


It is the recommendation of this office that Dorrit Matson's employment be terminated and that this matter be considered should she apply for any position with the New York City school system in the future. In addition, she should be required to repay the DOE for any salary to which she was not entitled.

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 Dorrit Matson. 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

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