

OAL DKT. NO. EDU 2159-04

Link to OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu02159-04_1.html

AGENCY DKT. NO. 38-2/04

P.J., on behalf of minor child, J.Y., :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
 OF HAMILTON, MERCER COUNTY, :
 :
 RESPONDENT. :
 _____ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his full and independent review of this matter, the Commissioner concurs with the Administrative Law Judge, for the reasons clearly detailed in his Initial Decision, that, by failing to appear at the scheduled hearing without good reason, petitioner has abandoned prosecution of her appeal in this matter necessitating its dismissal. Consequently, because petitioner has therefore failed to satisfy her burden of establishing, by a preponderance of the credible evidence, J.Y.'s entitlement to a free public education in the District's schools, the Board's counterclaim for tuition must be granted.

Accordingly, the Initial Decision of the OAL is adopted and the instant Petition of Appeal is dismissed. Petitioner is hereby directed to pay the Board of Education of the Township of Hamilton \$7,597.20 for the period of J.Y.'s ineligible attendance in its schools.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 5, 2004

Date of Mailing: August 5, 2004

* This decision 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.*