

M.Y., on behalf of minor child, N.M., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF WEST ORANGE,
ESSEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her daughter in December 2008. The respondent filed an answer and counterclaim for tuition. Petitioner failed to appear at the hearing on May 18, 2009 and provided no explanation for her nonappearance.

The ALJ found that petitioner failed to prosecute her appeal, leaving no basis to consider overturning the residency determination of the respondent Board, and respondent's proofs as to tuition rate establish entitlement to tuition reimbursement from petitioner in the amount of \$12,535.56.

The Commissioner adopted the Initial Decision as the final decision in this matter and directed the petitioner to reimburse the Board for \$12,535.56 in tuition owed.

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.

August 4, 2009

OAL DKT. NO. EDU 1631-09
AGENCY DKT. NO. 378-12/08

M.Y., on behalf of minor child, N.M., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF WEST ORANGE,
ESSEX MORRIS COUNTY, :
RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) – memorializing petitioner’s failure to appear at the OAL hearing and to otherwise prosecute her appeal, and finding that the Board of Education (Board) had demonstrated entitlement to tuition in the amount of \$12,535.56 – have been reviewed. No exceptions were filed by the parties, nor did petitioner file an explanation for her failure to appear.

Upon review, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge, and, accordingly, adopts the Initial Decision of the OAL as the final decision in this matter for the reasons expressed therein. The petition of appeal is dismissed, and petitioner is directed to reimburse the Board for \$12,535.56 in tuition owed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: August 4, 2009
Date of Mailing: August 4, 2009

¹ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.