

#205-10

F.P. on behalf of minor child F.P., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF PLEASANTVILLE,
ATLANTIC COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner sought home schooling for his child after he was allegedly attacked at school, claiming that F.P. could not continue to attend classes because of nervousness and vomiting. An emergent relief hearing in the matter was scheduled for June 1, 2010.

Subsequently, both petitioner and respondent failed to appear at the scheduled hearing despite appropriate notice, and neither provided any explanation for their nonappearance. Having received no explanation from either party, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner dismissed the petition with prejudice.

<p>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.</p>

July 7, 2010

OAL DKT. NO. EDU 4614-10
AGENCY DKT. NO. 103-5/10

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 :
 PETITIONER, :
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 V. : COMMISSIONER OF EDUCATION
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 BOARD OF EDUCATION OF THE : DECISION
 CITY OF PLEASANTVILLE, :
 ATLANTIC COUNTY, :
 :
 RESPONDENT. :
 :

The Commissioner has reviewed the record of this matter, including a copy of the notification sent to the parties by the Office of Administrative Law (OAL) on May 27, 2010, informing them that the emergent hearing in this matter would be held on June 1, 2010, and the June 3rd memorandum of the OAL advising that both parties failed to appear at the emergent hearing scheduled for June 1, 2010. The Commissioner also notes that, pursuant to *N.J.A.C. 1:1-14.4(a)*, the Administrative Law Judge (ALJ) held the matter for two days after the hearing to give the parties the opportunity to offer explanations for their nonappearance. There being no explanations filed with the ALJ, she directed that the matter be returned to the Commissioner of Education and provided notice dated June 4, 2010 to the parties that any excuses for non-appearance should henceforth be sent to the Commissioner of Education.

The Commissioner has to date received no explanations for the parties' nonappearances. Accordingly, for failure to prosecute, the petitioner's appeal is herewith dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 7, 2010
Date of Mailing: July 7, 2010

* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.