

#48-11

MAUREEN E. SMITH, :
 :
 PETITIONER, :
 V. : COMMISSIONER OF EDUCATION
 BOARD OF EDUCATION OF THE CITY OF : DECISION
 ENGLEWOOD, BERGEN COUNTY, :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner asserted that the Board's decision to withhold her increment for the 2004-2005 school year was arbitrary and capricious.

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.

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.

January 26, 2011

OAL DKT. NO. EDU 3571-06
AGENCY DKT. NO. 370-12/05

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The record of this matter and the advisement of the parties' failure to appear – transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C.* 1:1-14.4 – along with copies of notifications sent to the parties by the OAL on December 14, 2010, providing them thirteen (13) days to submit an explanation for such nonappearance, have been reviewed. There being no explanation filed by petitioner – who bore the burden of proving her charges against the Board – this matter is no longer deemed to be a contested matter before the Commissioner and is hereby dismissed with prejudice.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 25, 2011

Date of Mailing: January 26, 2011

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).