

F.O., on behalf of minor children, D.O. and R.O., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE BOROUGH : DECISION  
OF WALDWICK, BERGEN COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her children in November 2010. A hearing at the Office of Administrative Law (OAL) was scheduled for June 7, 2011, but petitioner failed to appear despite having received appropriate notice and provided no explanation for her nonappearance. Having received no explanation from petitioner for her failure to appear, the OAL returned the file to the Commissioner, who dismissed the petition with prejudice. The Commissioner determined, however, that the record included an unresolved claim for tuition reimbursement by the respondent Board, and remanded the matter to the OAL for supplementation of the record regarding the amount of tuition sought. A hearing on that issue was conducted on September 26, 2011 and the record closed on that date.

The ALJ found: the testimony and evidence presented by John Griffin, the Board's business administrator, to be fully credible and unrefuted; tuition was calculated for the period of D.O. and R.O.'s ineligible attendance, from September 17, 2010 to June 20, 2011, at the rate of \$73.54 per day for a total of 174 days; the total amount due for both children is \$25,591.92. The ALJ concluded that F.O. owes the respondent Board tuition reimbursement in the amount of \$25,591.92.

The Commissioner fully concurred with the ALJ that the petitioner failed to prosecute her claim despite being afforded every opportunity to do so, and that the Board's counterclaim for tuition is appropriately granted. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter, and the petition was dismissed.

<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>
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OAL DKT. NO. 08964-11  
(EDU 00227-11 ON REMAND)  
AGENCY DKT. NO. 651-11/10

F.O., on behalf of minor children, D.O. and R.O. :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE BOROUGH : DECISION ON REMAND  
OF WALDWICK, BERGEN COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.<sup>1</sup>

Upon review, the Commissioner fully concurs with the Administrative Law Judge (ALJ) that petitioner has failed to prosecute her claim despite being afforded every reasonable opportunity to do so, and that the Board's counterclaim for tuition is appropriately granted.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter for the reasons articulated therein. Petitioner is hereby directed to compensate the Waldwick Board of Education the amount of \$12,795.96 per child, totaling \$25,591.92 tuition for the period of D.O 's and R.O's ineligible attendance in the district (September 17, 2010 to June 20, 2011, 174 days @ \$73.54 per diem). The instant petition of appeal is hereby dismissed

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 10, 2011

Date of Mailing: November 10, 2011

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<sup>1</sup> Subsequent to the expiration of the exception period, petitioner filed a letter on October 13, 2011 in an effort to preserve her right to file an exception to the Initial Decision. This letter was not considered since it was untimely, and no other papers were submitted for review.

<sup>2</sup> Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.