

#317-12 (OAL Decision: Not yet available online)

O.C., on behalf of minor child O.C.-B., :

PETITIONER, : COMMISSIONER OF EDUCATION

V. : DECISION

BOARD OF EDUCATION OF THE :
TOWNSHIP OF HILLSIDE,
UNION COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his son in April 2012. A hearing at the Office of Administrative Law (OAL) was held on June 15, 2012, but petitioner failed to appear despite having received appropriate notice and provided no explanation for his nonappearance. Counsel for the Board did appear on June 15, 2012, and the ALJ conducted a hearing at which the Board presented *ex parte* proofs in support of its claim for tuition reimbursement.

The ALJ found that: petitioner failed to appear and prosecute his appeal of the Board’s decision; the Board produced evidence at hearing that O.C. did not reside at the address where he purported to live; the Board presented *ex parte* proofs demonstrating that it is entitled to tuition reimbursement in the amount of \$6,773. The ALJ concluded that the determination of the Board that O.C. was not domiciled in Hillside during the 2011-2012 school year should be upheld, and accordingly dismissed the petition and granted the Board’s counterclaim for tuition in the amount of \$6,773.

The Deputy Commissioner, to whom this matter was delegated pursuant to *N.J.S.A.* 18A:4-33, concurred with the ALJ’s findings and conclusion, and adopted the Initial Decision as the final decision in this matter.

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 8, 2012

OAL DKT. NO. EDU 5973-12
AGENCY DKT. NO. 89-4/12

O.C., on behalf of minor child O.C.-B., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF HILLSIDE, :
UNION COUNTY, :
RESPONDENT. :

Upon review of the record of the instant residency dispute and the Initial Decision of the Office of Administrative Law (OAL), the Commissioner¹ concurs with the Administrative Law Judge (ALJ) that petitioner has failed to prove that the respondent Board of Education erred in its determination that petitioner and his minor child were not domiciled in respondent's school district during the 2011-2012 school year.² The Commissioner further concludes that the ALJ was correct in finding that respondent provided un rebutted evidence that it is due tuition in the amount of \$6773.00.

Accordingly, the petition is dismissed and respondent's counterclaim for tuition in the amount of \$6773.00 is hereby granted.

IT IS SO ORDERED.³

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: August 8, 2012
Date of Mailing: August 8, 2012

¹ This matter has been delegated to the Deputy Commissioner pursuant to *N.J.S.A.* 18A:4-33.

² Indeed, although timely notice of the hearing in this matter was sent to the address that petitioner provided to the OAL – clearly stating that it was scheduled for June 15, 2012 – petitioner did not attend the hearing and consequently provided no evidence to support the allegations in his petition. Nor did he subsequently provide any explanation for his absence.

³ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).