

#61-12

O.B. on behalf of minor child, A.B., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF ORANGE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her daughter in May 2011. A hearing at the Office of Administrative Law (OAL) was scheduled for December 29, 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.

There being no explanation filed, the Commissioner dismissed the petition with prejudice, noting that the file included notations indicating that petitioner's child has been re-enrolled in respondent's district.

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.

February 21, 2012

OAL DKT. NO. EDU 7918-11
AGENCY DKT. NO. 119-5/11

O.B. on behalf of minor child, A.B., :
PETITIONER, :
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CITY OF ORANGE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

The record for this matter, the Office of Administrative Law's (OAL) notice memorializing petitioner's failure to appear at the hearing on December 29, 2011, and a copy of the notification sent to the parties by the OAL on October 19, 2011 – informing them of the date of the hearing – have been reviewed. It is noted that the OAL hearing notice was sent to the address petitioner entered on her petition.

The Administrative Law Judge (ALJ) held the matter for one day after the scheduled hearing date to give petitioner the opportunity to offer an explanation for her nonappearance – pursuant to *N.J.A.C. 1:1-14.4(a)*. Having received no explanation from petitioner, the ALJ returned the file to the Commissioner.

It appears from notations in the file that petitioner's child has been re-enrolled in respondent's district, and in the absence of any filing from petitioner concerning her non-appearance at the OAL hearing, this matter is no longer deemed to be a contested case before the Commissioner and is accordingly hereby dismissed with prejudice.

IT IS SO ORDERED. *

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 21, 2012

Date of Mailing: February 22, 2012

* 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*)