

#291-13 (OAL Decision: Not yet available online)

ANTHONY BERMUDEZ,	:	
VANESSA FERNANDEZ AND	:	
ELIZABETH MORABITO-GONZALEZ,	:	COMMISSIONER OF EDUCATION
PETITIONERS,	:	
	:	DECISION
V.	:	
BOARD OF EDUCATION OF THE CITY	:	
OF PERTH AMBOY, MIDDLESEX COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioners challenged the Board’s determination that the Perth Amboy High School graduation would be held on June 27, 2013 at 9:00 a.m. instead of 6:00 p.m., and that the middle school graduation would be held on June 26, 2013 instead of on the same day as high school graduation. A motion for emergent relief was filed on June 24, 2013, and the matter was heard on June 25, 2013.

The ALJ found that petitioners failed to demonstrate entitlement to emergent relief as set forth in *N.J.A.C. 6A:3-1.6*, and the Commissioner subsequently adopted the ALJ’s order denying relief. The graduations were held as scheduled, on June 26 and June 27, 2013. Accordingly, the ALJ concluded that the matter was no longer a contested case before the OAL, and dismissed the petition.

Upon review, the Commissioner concurred with the ALJ that the matter is now moot. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this case.

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.
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August 14, 2013

OAL DKT. NO. EDU 8570-13  
AGENCY DKT. NO. 138-6/13

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	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge – for the reasons stated in the Initial Decision – that the matter is now moot. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the petition is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: August 14, 2013

Date of Mailing: August 14, 2013

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\* 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*).