

#1-13 (OAL Decision: Not available online)

T.W. on behalf of minor child C.M., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF NORTH BRUNSWICK, :
MIDDLESEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* appeal in March 2012, requesting that C.M. remain in his present placement at Parson Elementary School in North Brunswick. Hearing dates at the Office of Administrative Law (OAL) were scheduled for November 2 and November 15, 2012, but both parties failed to appear, and provided no explanation for the nonappearance.

The ALJ concluded that the petitioner and respondent had abandoned their action, and dismissed the petition.

The Commissioner adopted the Initial Decision as the final decision in this case.

<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>

January 3, 2012

OAL DKT. NO. EDU 4591-12
AGENCY DKT. NO. 67-3/12

T.W. on behalf of minor child C.M., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF NORTH BRUNSWICK, :
MIDDLESEX COUNTY, :
RESPONDENT. :

Before the Commissioner is a recommendation that the above captioned controversy be dismissed for failure of the petitioner to prosecute.¹

Upon review of the record and the Initial Decision of the Office of Administrative Law (OAL),² the Commissioner adopts the Initial Decision as the final decision in this case. In consequence of 1) T.W.'s failure to appear in the OAL at a hearing of which she was duly advised, and 2) her subsequent failure to offer any explanation for her non-appearance, petitioner's appeal is dismissed pursuant to *N.J.A.C.* 1:1-14.4. As no counterclaim for tuition was filed, disposition of this case is complete.

IT IS SO ORDERED.³

COMMISSIONER OF EDUCATION

Date of Decision: January 3, 2013
Date of Mailing: January 3, 2013

¹ It appears that neither the petitioner nor the respondent appeared for the hearing on its scheduled date. However, because the respondent filed no counterclaim, the burden of proof in this matter rested exclusively upon the petitioner.

² No exceptions were filed.

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).