

#104-14 (OAL Decision: Not available online)

LISSETTE ALFONSO, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 CITY OF ELIZABETH, UNION COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

In August 2010, petitioner – formerly employed as a technology teacher in respondent’s school district – appealed the decision of the respondent Board to terminate her employment through a reduction in force (RIF) in June 2010. Petitioner asserted that the Board terminated her employment in contravention of her tenure and seniority rights under *N.J.S.A. 18A:28-5 et seq.*, and sought reinstatement and back pay retroactive to the date of her termination.

The ALJ found that: petitioner failed to appear for a hearing in this matter on January 29, 2014, despite having received appropriate notice; attorney for the petitioner appeared at the hearing and confirmed on record her ongoing inability to reach her client, stating that the petitioner last communicated with her in October 2012. Accordingly, the ALJ concluded that petitioner had abandoned this matter and ordered the case returned to the Department for appropriate disposition.

Upon review, the Commissioner found that petitioner had filed no explanation for her failure to appear despite having had the opportunity to do so. Accordingly, this matter is no longer a contested case before the Commissioner, and was dismissed with prejudice.

<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>

February 26, 2014

OAL DKT. NO. EDU 10008-10
AGENCY DKT. NO. 351-8/10

LISSETTE ALFONSO,	:	
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PETITIONER,	:	
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V.	:	COMMISSIONER OF EDUCATION
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BOARD OF EDUCATION OF THE	:	DECISION
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	:	
RESPONDENT.	:	

The record of this matter – transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-14.4* and including an advisement of petitioner’s failure to appear at the scheduled January 29, 2014 OAL hearing – has been reviewed. Petitioner filed no explanation for her failure to appear, notwithstanding the opportunity to do so. Accordingly, this matter is no longer deemed to be a contested case before the Commissioner and is hereby dismissed with prejudice.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: February 26, 2014

Date of Mailing: February 26, 2014

¹ 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)*.