

#112-16

M.F., ON BEHALF OF MINOR CHILD, J.F. :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
RED BANK REGIONAL HIGH SCHOOL :
DISTRICT, MONMOUTH COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her daughter in August 2015, seeking a determination that J.F. resided within the regional area served by the Red Bank Regional High School. The respondent Board counterclaimed for tuition. The matter was transmitted to the Office of Administrative Law (OAL) to ascertain petitioner's residency and the amount of any tuition due. Petitioner failed to appear at a hearing scheduled for February 29, 2016, despite having received appropriate notice of the hearing date. Having received no explanation from petitioner for her failure to appear, the OAL returned the file to the Commissioner.

Upon review, the Commissioner noted that the Board's answer in this matter contained an unresolved counterclaim for tuition for the period of J.F.'s alleged ineligible attendance in the school district during the 2013-2014 and 2014-2015 school years. Accordingly, the Commissioner remanded the matter to the OAL for resolution of the Board's counterclaim.

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.

March 22, 2016

OAL DKT. NO. EDU 14435-15
AGENCY DKT. NO. 232-8/15

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The record of this matter and advisement of petitioner's failure to appear transmitted by the Office of Administrative Law (OAL) pursuant to *N.J.A.C.* 1:1-14.4 – along with copies of notifications sent to the parties by OAL on March 3, 2016, providing an opportunity to submit an explanation for such nonappearance – have been reviewed. There being no explanation filed by petitioner, 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: March 22, 2016

Date of Mailing: March 22, 2016

¹ Final decisions of the Commissioner 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) and applicable Appellate Division rules.