

#182-10

A.J.M. on behalf of minor children,  
J.A.M. and B.T.M.,

PETITIONER,

V.

COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE  
LENAPE REGIONAL SCHOOL  
DISTRICT, BURLINGTON COUNTY,

DECISION

RESPONDENT.

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his children in September 2009. The respondent filed an answer and counterclaim for tuition. Petitioner failed to appear in the OAL for a scheduled telephonic hearing on February 16, 2010 and provided no explanation for his nonappearance. The respondent Board subsequently withdrew its counterclaim.

The ALJ found that: the petitioner failed to explain his non-appearance, and respondent Board withdrew its counterclaim subject to dismissal of petitioner’s claim. Accordingly, the ALJ ordered the matter returned to the Department for disposition pursuant to *N.J.A.C.* 1:1-3.3(b) and (c).

The Commissioner adopted the Initial Decision as the final decision, and dismissed the petition.

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.

June 17, 2010

OAL DKT. NO. EDU 10388-09  
AGENCY DKT. NO. 263-9/09

A.J.M. on behalf of minor children, J.A.M. and B.T.M.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE LENAPE REGIONAL SCHOOL DISTRICT, BURLINGTON COUNTY,	:	DECISION
	:	
RESPONDENT.	:	
_____	:	

Upon review of the record in this matter and the Initial Decision of the Office of Administrative Law (OAL),<sup>1</sup> the Commissioner adopts the Initial Decision as the final decision in this case. In consequence of 1) his failure to appear in the OAL at a telephonic hearing of which he was duly advised, and 2) his subsequent failure to offer any explanation for his non-appearance, petitioner's appeal is dismissed pursuant to *N.J.A.C. 1:1-14.4*. As respondent has withdrawn its counterclaim for tuition, disposition of this case is complete.

IT IS SO ORDERED.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: June 17, 2010

Date of Mailing: June 18, 2010

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<sup>1</sup> No exceptions were filed.

<sup>2</sup> This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36*.