

#556-11

JUAN LEONARDO, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 STATE-OPERATED SCHOOL DISTRICT : DECISION
 OF THE CITY OF PATERSON, :
 PASSAIC COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

In October 2010, the petitioner filed an appeal contending that his employment was terminated by the respondent in a reduction in force, in violation of his tenure and seniority rights. A hearing in the matter was scheduled for October 31, 2011 at the Office of Administrative Law (OAL). Petitioner received appropriate notice of the hearing, but failed to appear. Accordingly, the ALJ dismissed the petition.

Upon review, the Commissioner concurred with the ALJ that because petitioner failed to appear at the scheduled hearing, the matter is appropriately dismissed for failure to prosecute.

<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>

December 13, 2011

OAL DKT. NO. EDU 11341-10
AGENCY DKT. NO. 276-8/10

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties submitted no exceptions to the Initial Decision.

In the file is correspondence from petitioner's counsel representing that petitioner was notified about the October 31, 2011 hearing date and advised that failure to appear at same could result in the dismissal of his petition. Insofar as petitioner did not, in fact, attend the hearing, the Commissioner concurs with the Administrative Law Judge that this matter is appropriately dismissed for failure to prosecute.

Accordingly, the recommended decision of the OAL is adopted and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 13, 2011

Date of Mailing: December 13, 2011

* 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*).