

OAL DKT. NO. EDU 5973-12
AGENCY DKT. NO. 89-4/12

O.C., on behalf of minor child O.C.-B., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF HILLSIDE, :
UNION COUNTY, :
RESPONDENT. :

Upon review of the record of the instant residency dispute and the Initial Decision of the Office of Administrative Law (OAL), the Commissioner¹ concurs with the Administrative Law Judge (ALJ) that petitioner has failed to prove that the respondent Board of Education erred in its determination that petitioner and his minor child were not domiciled in respondent's school district during the 2011-2012 school year.² The Commissioner further concludes that the ALJ was correct in finding that respondent provided un rebutted evidence that it is due tuition in the amount of \$6773.00.

Accordingly, the petition is dismissed and respondent's counterclaim for tuition in the amount of \$6773.00 is hereby granted.

IT IS SO ORDERED.³

DEPUTY COMMISSIONER OF EDUCATION

Date of Decision: August 8, 2012
Date of Mailing: August 8, 2012

¹ This matter has been delegated to the Deputy Commissioner pursuant to *N.J.S.A.* 18A:4-33.

² Indeed, although timely notice of the hearing in this matter was sent to the address that petitioner provided to the OAL – clearly stating that it was scheduled for June 15, 2012 – petitioner did not attend the hearing and consequently provided no evidence to support the allegations in his petition. Nor did he subsequently provide any explanation for his absence.

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).