

#286-12 (OAL Decision: Not yet available online)

VINCENT GUARINI, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 OCEAN COUNTY VOCATIONAL :
 SCHOOL DISTRICT, OCEAN COUNTY, :
 :
 RESPONDENT. :

SYNOPSIS

On May 30, 2012, the petitioner filed a request for emergent relief with regard to the respondent Board's refusal to allow him to participate in an awards ceremony scheduled for June 13, 2012, on the grounds that petitioner had accumulated more than nineteen absent days due to illness. The case was scheduled for hearing on June 11, 2012. Petitioner received appropriate notice of the hearing, but failed to appear and offered no explanation for his non-appearance. Accordingly, the ALJ dismissed the petition with prejudice.

Upon review of the file, the Commissioner concurred with the ALJ that this matter is appropriately dismissed for failure to prosecute. Accordingly, the Commissioner dismissed the within appeal.

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.

July 16, 2012

OAL DKT. NO. EDU 7591-12
AGENCY DKT. NO. 157-5/12

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

Upon such review, the Commissioner concurs with the Administrative Law Judge that – because petitioner failed to appear at the June 11, 2012 hearing in this matter, after having received due notice of such hearing – 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: July 16, 2012

Date of Mailing: July 17, 2012

* 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*).