

#287-12

M.D. and D.A, on behalf of minor child, E.B., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
CITY OF CLIFTON, PASSAIC COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioners filed a *pro se* residency appeal on behalf of E.B. in November 2011. A hearing at the Office of Administrative Law (OAL) was scheduled for June 13, 2012, but petitioners failed to appear despite having received appropriate notice and provided no explanation for their nonappearance. Having received no explanation from petitioners for their failure to appear, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner dismissed the petition with prejudice, further noting that the file included a letter dated June 12, 2012 from the Board attorney to the administrative law judge withdrawing the Board's counterclaim for tuition.

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 0785-12  
AGENCY DKT. NO. 346-11/11

M.D. and D.A, on behalf of minor child, E.B., :  
PETITIONER, :  
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RESPONDENT. :  
\_\_\_\_\_ :

The record of this matter and an advisement of failure to appear transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C.* 1:1-14.4, along with copies of the notification sent to the parties by the OAL on June 18, 2012 – providing petitioner thirteen days to submit an explanation for such nonappearance – have been reviewed. There being no explanation filed, this matter is no longer deemed to be a contested matter before the Commissioner and is hereby dismissed with prejudice.<sup>1</sup>

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

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 16, 2012

Date of Mailing: July 17, 2012

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<sup>1</sup> It is noted that, by letter dated June 12, 2012 to the Administrative Law Judge, the Board withdrew its counterclaim for tuition in this residency matter.

<sup>2</sup> 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).