

CORY PISKIN, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE BOARD OF EXAMINERS, : DECISION
RESPONDENT. :

SYNOPSIS

In May 2016, petitioner appealed the determination of the respondent – the State Board of Examiners (SBE) – that he had not met the requirements for issuance of a Teacher of Elementary School Certificate of Eligibility (CE). Specifically, petitioner did not achieve a cumulative grade point average of 2.75 in his baccalaureate program, which is required to receive the CE. The SBE filed a motion to dismiss with the Commissioner of Education, and the matter was transmitted to the Office of Administrative Law as a contested case in June 2016.

The ALJ reported that petitioner failed to respond to a previously scheduled telephone conference in this matter on March 16, 2017. Subsequently, notice was mailed to petitioner, advising that he had missed the telephone conference, and instructing that he had until April 7, 2017 to provide a written explanation of his failure to appear; otherwise, petitioner’s appeal would be dismissed. As of the date of the ALJ’s Initial Decision, no response had been received. Accordingly, the ALJ concluded that the petitioner no longer wishes to proceed and ordered the petition dismissed.

Upon review, the Commissioner concurred with the ALJ that this matter is appropriately dismissed for failure to attend the scheduled telephone conference without explanation. Accordingly, the Initial Decision was adopted as the final decision in this matter and the petition was dismissed.

<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>

June 6, 2017

OAL DKT. NO. EDU 9468-16
AGENCY DKT. NO. 140-5/16

CORY PISKIN, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE BOARD OF EXAMINERS, : DECISION
RESPONDENT. :

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon review of the record, the Commissioner finds that the Administrative Law Judge (ALJ) appropriately dismissed the matter – in accordance with *N.J.A.C. 1:1-14.14* – because petitioner failed to attend a prescheduled telephone conference on March 16, 2017, notwithstanding the fact that he received advanced notice of same. Furthermore, petitioner failed to provide any explanation for his failure to participate in the conference call despite being provided the opportunity to do so, and being advised that the petition of appeal would be dismissed pursuant to *N.J.A.C. 1:1-14.14* should he fail to respond to the ALJ’s correspondence.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 6, 2017
Date of Mailing: June 6, 2017

¹ 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*).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 9468-16

AGENCY DKT. NO. 140-5/16

CORY PISKIN,

Petitioner,

v.

NEW JERSEY STATE BOARD

OF EXAMINERS,

Respondent.

Cory Piskin, petitioner, pro se

Kathryn Duran, Deputy Attorney General, for respondent (Christopher S. Porrino, Attorney General of New Jersey, attorney)

Record Closed: April 8, 2017

Decided: April 25, 2017

BEFORE **LISA JAMES-BEAVERS**, ALJ:

This matter arises out of petitioner Cory Piskin's challenge to the decision by respondent New Jersey State Board of Examiners (Board) to deny his application for a Teacher of Elementary School Certificate of Eligibility (CE) due to his not meeting all of the certification requirements. On December 10, 2015, the Board considered petitioner's appeal. On January 21, 2016, the Board adopted a written decision unanimously denying petitioner's request and determining that petitioner did not satisfy

the minimum GPA requirement. On May 4, 2016, petitioner appealed. The Board filed a motion to dismiss on June 22, 2016 with the Commissioner of Education. On June 27, 2016, the Commissioner transmitted the matter as a contested case to the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

Petitioner filed a responsive letter dated August 16, 2016 in opposition to the Board's motion. On October 31, 2016, the Court denied the Board's motion to dismiss and proposed hearing dates to the parties. On November 9, 2016, Heidi Piskin, petitioner's mother, wrote the Court asking that petitioner be permitted to rely on the written documentation already submitted in lieu of a hearing. In a letter to Ms. Piskin dated November 22, 2016, the Court agreed to do so. On November 29, 2016, the Court received a letter from DAG Duran asking if petitioner would be submitting additional evidence and asking permission for the Board to refile its motion. A telephone conference was held on January 13, 2017. The Court scheduled a follow-up conference call for March 16, 2017. Petitioner was provided notice by regular mail at the address provided. On the scheduled date, petitioner could not be reached. The Court sent a letter to petitioner on March 17, 2017 advising that he missed the telephone call and that he had until April 7, 2017 to provide a written explanation for his failure to appear or his appeal may be dismissed. To date, the Court has not received a response.

Based on the foregoing, I **CONCLUDE** that petitioner no longer wishes to proceed and **ORDER** that this petition be **DISMISSED**.

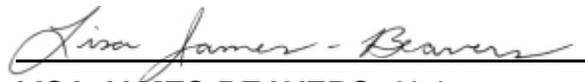
I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless

such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

April 25, 2017 _____
DATE


LISA JAMES-BEAVERS, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

cmo