



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION DISMISSAL**  
**FOR FAILURE TO APPEAR**

OAL DKT. NO. EDS 08366-18

AGENCY DKT. NO. 2018-27997

**K.B. AND N.B. ON BEHALF OF V.B.,**

Petitioners,

v.

**EAST BRUNSWICK TOWNSHIP**

**BOARD OF EDUCATION,**

Respondents.

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**K.B.** and **N.B.**, on behalf of V.B., petitioners pro se

**Jodi S. Howlett**, Esq., for respondent, East Brunswick Township Board of Education  
(Cleary, Giacobbe, Alfieri & Jacobs, LLC, attorneys)

Record Closed: September 13, 2021

Decided: September 22, 2021

BEFORE **JEFFERY R. WILSON**, ALJ:

This case, which arises under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1401 to 1484(a) and C.F.R. §300.500, was transmitted to the Office of Administrative Law (OAL) for hearing on June 13, 2018.

An initial settlement conference was scheduled for June 21, 2018, but neither party appeared, and the file was reassigned to the undersigned Administrative Law Judge. The

settlement conference was held on July 19, 2018. At that time, the matter was settled, and the terms of the settlement were placed on the record as well as the petitioners' withdrawal, with the understanding that a fully executed agreement would be filed with the Office of Administrative Law (OAL).

Because no executed agreement was filed with the OAL, a telephone hearing was scheduled for November 1, 2018. That hearing was adjourned by joint request to December 19, 2018, because the parties expanded the terms of the agreement, but the petitioners had not executed the updated settlement agreement.

The December 19, 2018, telephone hearing was adjourned by joint request, to January 30, 2019, because the petitioners refused to sign the updated settlement agreement. Counsel for the respondent was directed to circulate a copy of the settlement agreement that only included the terms outlined at the July 19, 2018, settlement conference.

The January 30, 2019, telephone hearing was adjourned by joint request, to March 11, 2019, because the petitioners represented, they needed additional time to review the settlement agreement. Notice of the March 11, 2019, telephone hearing was sent to the petitioners at their email address on record on February 1, 2019. The notice included specific language detailing the consequences of a failure to appear. The petitioners failed to participate in the March 11, 2019, telephone hearing.

A telephone hearing was scheduled for June 9, 2021. Notice of this hearing was sent to the parties at their email addresses on record on May 14, 2021. The petitioners failed to participate in the June 9, 2021, telephone hearing. Another telephone hearing was scheduled for September 13, 2021. Notice of this hearing was sent to the parties at their email addresses on record on June 15, 2021. Neither party participated in the September 13, 2021, telephone hearing.

As of the date of this Decision, the petitioners have not explained their non-appearance. Accordingly, the petition must be **DISMISSED** for failure to pursue a claim of action under N.J.A.C. 1:1-14.4.

**ORDER**

I **ORDER** that the petition be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. §1415(i)(1)(A) and 34 C.F.R. §300.514 (2018) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. §1415(i)(2); 34 C.F.R. §300.516 (2018). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education Programs.



September 22, 2021

DATE

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**JEFFREY R. WILSON, ALJ**

Date Received at Agency:

\_\_\_\_\_

Date emailed to Parties:

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JRW/tat