



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

**FINAL DECISION**

OAL DKT. NO. EDS 05958-22

AGENCY DKT. NO. 2023-34724

**T.H. ON BEHALF OF J.W.,**

Petitioner,

v.

**WARREN HILL REGIONAL  
BOARD OF EDUCATION,**

Respondent.

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**No appearance from T.H.**

**Alison L. Kenny**, Esq., for respondent (Schenck, Price, Smith & King, LLP,  
attorneys)

Record Closed: August 11, 2022

Decided: August 23, 2022

BEFORE **LESLIE Z. CELENTANO**, ALJ:

**STATEMENT OF THE CASE**

**FACTUAL DISCUSSION**

The undisputed timeline and events constitute the facts of this case.

On July 25, 2022, during oral argument via Zoom in this matter (which had been filed as an emergent matter), petitioner sought an adjournment. The matter was rescheduled for oral argument, via Zoom, based upon the availability of the parties, for Tuesday August 2, 2022, at 9 a.m.

On July 29, 2022, petitioner requested an additional adjournment of the virtual oral argument, indicating that she needed “one week as we continue to secure counsel and complete our research.” Shortly thereafter, petitioner submitted a second letter seeking an adjournment, indicating she had Covid. The adjournment request was denied.

On August 2, 2022, the rescheduled date of the virtual oral argument, petitioner did not appear for the Zoom hearing. Counsel for the District telephoned petitioner and advised that petitioner indicated that she was withdrawing the emergent petition and would refile at a later date. Emails were sent to petitioner on August 2, August 4, and August 8, 2022, asking that she confirm by reply email that she was withdrawing the emergent application. No response was received to any of those emails.

Nothing further has been heard from petitioner or anyone on her behalf.

### **LEGAL ANALYSIS AND CONCLUSION**

For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14. Petitioner failed to appear for the Zoom emergent oral argument in this matter. I therefore **CONCLUDE** that petitioner’s request for emergent relief should be dismissed.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that this case be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2022) 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 (2022). 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.

August 23, 2022  
DATE



LESLIE Z. CELENTANO, ALJ

Date Received at Agency

August 23, 2022

Date Mailed to Parties:  
dr

August 23, 2022