



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DISMISSAL

OAL DKT. NO. EDS 05895-24

AGENCY DKT. NO. 2024-36944

S.G. ON BEHALF OF S.B.,

Petitioner,

v.

NEWARK CITY BOARD OF EDUCATION,

Respondent.

No Appearance by S.G. o/b/o S.B., petitioner, pro se

Jodi Howlett, Esq., for respondent (Machado Law Group, attorneys)

Record Closed: August 27, 2024

Decided: August 28, 2024

BEFORE **NANCI G. STOKES**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 to 1482. On January 11, 2024, S.G. o/b/o S.B. filed a petition for a due process hearing, seeking placement at Central High School and other relief.

On January 31, 2024, the Newark City Board of Education (Newark) filed an answer.

On April 25, 2024, the Office of Special Education of the New Jersey Department of Education transmitted the case to the Office of Administrative Law (OAL), where it was filed on May 6, 2024.

The OAL scheduled settlement conferences per the parties' request on June 10, 2024, and June 24, 2024, but petitioner did not appear. Notably, petitioner emailed the OAL on June 17, 2024, stating that she would attend the June 24, 2024, conference but did not. Still, Newark was present.

On June 25, 2024, the case was assigned to me.

The OAL scheduled a pre-hearing conference on July 10, 2024. Although the OAL offered earlier dates, petitioner did not reply to the OAL's emails. Still, petitioner did not attend the pre-hearing conference, but Newark's counsel did. I scheduled a hearing for August 23, 2024. Petitioner acknowledged receipt of the hearing notice via email. However, petitioner did not request an adjournment or advise that she was unavailable.

On August 23, 2024, Newark appeared, but petitioner did not.

As of today, petitioner has not contacted the OAL regarding her non-appearance at the hearing.

FINDINGS OF FACT

I **FIND** the following uncontested **FACTS**:

Upon transmittal, the OAL attempted to schedule multiple proceedings in this case. The OAL sent petitioner notices for the conferences and the hearing through the email and address she provided.

While the petitioner acknowledged notices of these events, she failed to appear and offered no reason for her failures. Indeed, she has not participated in any scheduled conference or hearing since the case's transmittal to the OAL, while Newark was ready to proceed.

More than one business day has passed since the hearing date without any contact with the OAL by the petitioner.

CONCLUSIONS OF LAW

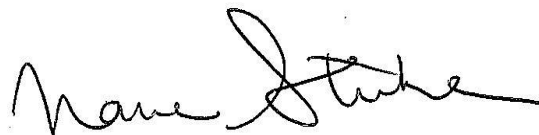
Under N.J.A.C. 1:1-14.4(a), if a properly noticed party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before acting. If the judge does not receive an explanation for the nonappearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition. S.G. failed to appear for multiple scheduled proceedings, most recently on August 23, 2024, and she did not explain those failures to date.

Based on the facts and the applicable law, I **CONCLUDE** that the petitioner's multiple failures to appear for scheduled conferences and a hearing without any explanation demonstrate that she abandoned this case. Thus, I further **CONCLUDE** that the petition should be returned to the transmitting agency as a **DISMISSAL**.

ORDER

It is **ORDERED** that the Clerk return this file to the Office of Special Education of the New Jersey Department of Education as a **DISMISSAL**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2024) 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 (2024). 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 28, 2024

DATE

NANCI G. STOKES, ALJ

Date Received at Agency

August 28, 2024

Date Mailed to Parties:

August 28, 2024

ljb