



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

**FINAL DECISION**

**DISMISSAL FOR FAILURE**

**TO APPEAR**

OAL DKT. NO. EDS 07726-24

AGENCY DKT. NO. 2024-37482

**H.R. ON BEHALF OF E.R.,**

Petitioner,

v.

**PERTH AMBOY BOARD OF**

**EDUCATION,**

Respondent.

---

**No appearance by or on behalf of petitioners**

**Isabel Machado**, Esq., for respondent Perth Amboy Board of Education (Machado Law Group, attorneys)

Record Closed: July 1, 2024

Decided: July 2, 2024

BEFORE **DEIRDRE HARTMAN-ZOHLMAN**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On June 7, 2024, the Office of Special Education Programs of the New Jersey Department of Education transmitted this matter to the Office of Administrative Law

(OAL) for a hearing. H.R. on behalf of E.R. filed a petition for due process against the Perth Amboy Board of Education, seeking a change in E.R.'s educational placement.

### **FINDINGS OF FACT**

A telephone conference was held on June 14, 2024. Petitioner did not appear; respondent, Perth Amboy Board of Education, appeared.

All parties were notified to appear for a hearing on June 19, 2024, and on July 1, 2024. Respondent appeared and petitioner did not. Based on the petitioner's failure to appear, the case was **DISMISSED**.

### **CONCLUSIONS OF LAW**

Based on the foregoing facts and the applicable law, I **CONCLUDE** that petitioners have abandoned this matter and that it should be returned to the transmitting agency.

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. The petitioners demonstrated an unwillingness to participate in this case, when they failed to appear for two hearing dates scheduled on June 19, 2024, and July 1, 2024. Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed under the authority granted to me by N.J.A.C. 1:1-14.14.

It is **ORDERED** that this matter be **DISMISSED**.

It is further **ORDERED** that the Clerk return this file to the Office of Special Education Programs of the New Jersey Department of Education.

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 Programs.

July 2, 2024 \_\_\_\_\_

DATE



DEIRDRE HARTMAN-ZOHLMAN, ALJ

Date Received at Agency \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

DHZ/jm