



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

**FINAL DECISION**

**FAILURE TO APPEAR**

OAL DKT. NO. EDS 14198-23

AGENCY DKT. NO. 2024-36523

**M.S. AND F.S. ON BEHALF OF R.C.,**

Petitioners,

v.

**MATAWAN-ABERDEEN REGIONAL  
BOARD OF EDUCATION AND NEPTUNE  
TOWNSHIP BOARD OF EDUCATION,**

Respondents.

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**M.S. and F.S.**, petitioners, pro se

**Isabel Machado**, Esq., for respondent Matawan-Aberdeen Regional Board of  
Education (Machado Law Group, LLC, attorneys)

**Diana Anderson**, Esq., for respondent Neptune Township Board of Education

Record Closed: April 9, 2024

Decided: April 15, 2024

BEFORE **MARY ANN BOGAN**, ALJ:

## **STATEMENT OF THE CASE**

Petitioners, M.S. and F.S. on behalf of R.C. filed a petition seeking compensatory education.

## **PROCEDURAL HISTORY AND STATEMENT OF FACTS**

The Office of Special Education of the New Jersey Department of Education (Department) transmitted the petition to the Office of Administrative Law (OAL), where it was filed on December 22, 2023.

A telephone conference was scheduled for January 18, 2024. Petitioners were notified by regular mail and email. The petitioners did not attend. Additional telephone conferences were scheduled for February 21, 2024, and April 9, 2024. Petitioners were notified by regular mail and email for all conferences, but petitioners failed to attend both telephone conferences. The petitioners never sent an explanation explaining their reasons for their non-appearance for each of the telephone conferences.

## **ANALYSIS AND CONCLUSIONS OF LAW**

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. 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. Petitioners failed to appear at the scheduled proceeding, and they failed to provide an explanation one day following their nonappearance or thereafter. Accordingly, the Clerk should return this matter to the Department of Education.

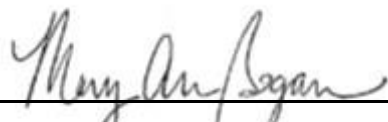
Based on the foregoing facts and the applicable law, I **CONCLUDE** that petitioners have abandoned this matter and that it should be returned to the transmitting agency.

**ORDER**

Based on the foregoing, it is hereby **ORDERED** that the petition for due process be **DISMISSED**.

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.

April 15, 2024 \_\_\_\_\_  
DATE

  
\_\_\_\_\_  
**MARY ANN BOGAN, ALJ**

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

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

MAB/nn