



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DISMISSAL FOR FAILURE

TO APPEAR

OAL DKT. NO. EDS 16483-24

AGENCY DKT. NO. 2025-38231

L.H. ON BEHALF OF L.B.,

Petitioners,

v.

WATCHUNG HILLS REGIONAL

BOARD OF EDUCATION,

Respondents.

No appearance by or on behalf of petitioner

Eric L. Harrison, Esq., for respondent Watchung Hills Regional Board of Education
(Methfessel & Werbel, P.C., attorneys)

Record Closed: December 19, 2024

Decided: January 7, 2025

BEFORE **JOAN M. BURKE, ALJ:**

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On October 7, 2024, L.H. on behalf of L.B. (petitioner) filed a petition with the Office of Special Education (OSE). The Office of Special Education Programs of the

New Jersey Department of Education (NJDOE) transmitted this matter to the Office of Administrative Law (OAL) on November 22, 2024, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.5.

FINDINGS OF FACT

The OSE reached out to the parties to determine whether to transmit the matter for a hearing or settlement conference. There was no response from the petitioner. Due to the expiration of the thirty-day resolution period, the OSE transmitted the matter for assignment to a hearing judge. The matter was assigned to me for a hearing. On November 25, 2024, a notice was issued for a hearing on November 29, 2024, at 2:30 p.m.; on November 29, 2024, a notice was issued for a hearing on December 5, 2024, at 4:00 p.m.; on December 6, 2024, a notice was issued for a hearing on December 9, 2024, at 1:30 p.m.; on December 9, 2024, a notice was issued for a hearing on December 19, 2024, at 3:30 p.m. The notices provided the dial-in information the parties were to use to participate. Petitioner did not appear for any of scheduled hearings. To date, these notices have not been returned to this office as undeliverable. Also, to date, petitioner has not submitted a letter of explanation regarding her failure to appear for any of the scheduled hearings. She has not otherwise communicated with the Office of Administrative Law about this matter.

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 non-appearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

Based on the foregoing facts and the applicable law, since the petitioner has failed to appear for four scheduled appearances and has not contacted the Office of

Administrative Law to address these failures, I **CONCLUDE** that she has abandoned her petition.

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 petitioner demonstrated an unwillingness to participate in this case, when she failed to appear for the hearings that were scheduled for November 29, 2024; December 5, 2024; December 12, 2024, and December 19, 2024. Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed.

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.

January 7, 2025

DATE



JOAN M. BURKE, ALJ

Date Received at Agency

Date Mailed to Parties:

JMB/jm