



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

FAILURE TO APPEAR

OAL DKT. NO. EDS 20640-25

AGENCY DKT. NO. 2026-40117

R.T. ON BEHALF OF G.T.,

Petitioner,

v.

FRANKLIN TOWNSHIP BOARD

OF EDUCATION,

Respondent.

R.T., petitioner, pro se

Cameron R. Morgan, Esq., for respondent (Cleary, Giacobbe, Alfieri & Jacobs, LLC, attorneys)

Record Closed: April 8, 2026

Decided: April 16, 2026

BEFORE **MARY ANN BOGAN**, ALJ:

STATEMENT OF THE CASE

Petitioner R.T. on behalf of G.T. filed a petition seeking to deny the psychological evaluation for his son G.T. and continue with the educational evaluation.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

The New Jersey Department of Education, Office of Special Education (OSE), transmitted the petition to the Office of Administrative Law (OAL), where it was filed on January 7, 2026.

A telephone conference was scheduled for January 26, 2026. Petitioner was notified by email on January 15, 2026. On the date of the call, the State was closed due to a major snowstorm. Petitioner sent an email on the scheduled conference date, stating, "I am confirming that the call today has been canceled due to the weather. I have been on hold for a few minutes."

A response was sent stating, "Judge Bogan logged off the call at 3:40 p.m. after neither party called in. The call will be rescheduled for next Monday [February 2, 2026]. A new notice was issued."

The new notice was emailed to both parties (delivery receipt only). Both parties attended the call on February 2, 2026.

A new telephone conference was scheduled for February 12, 2026. The new notice was emailed to both parties (delivery receipt only). Petitioner did not attend. Petitioner was sent an email asking for explanation as to why he failed to attend the conference. No response was received.

An additional telephone-conference notice was emailed for a telephone conference on March 11, 2026 (sent read and delivery receipts and regular mailed). The notice also contained a second request for petitioner to submit an explanation as to why he failed to attend the prior conference. Petitioner did not respond with an explanation and did not attend the telephone conference. Finally, a new telephone call was scheduled for April 8, 2026. The notice was sent to both parties (sent read and delivery receipts and regular mail). Petitioner also failed to attend this telephone conference. Petitioner never sent an explanation explaining his reasons for his non-appearance at either of the

telephone conferences. Also, the notices sent by regular mail were not returned to the OAL as undeliverable.

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. Petitioner failed to appear at the scheduled proceeding, and he failed to provide an explanation one day following his 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 petitioner has abandoned this matter and that it should be returned to the transmitting agency.

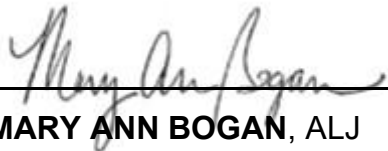
ORDER

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

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2026) 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 (2026). 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 16, 2026

DATE



MARY ANN BOGAN, ALJ

Date Received at Agency:

Date Mailed to Parties:

MAB/nn