



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

**FINAL DECISION**

OAL DKT. NO. EDS 21383-25

AGENCY DKT. NO. 2026-40160

**A.F. AND G.F. ON BEHALF OF C.B.,**

Petitioners,

v.

**LAKESWOOD TOWNSHIP**

**BOARD OF EDUCATION,**

Respondent.

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

**Gabrielle A. Pettineo**, Esq., for respondent (Kenney, Gross, Kovats & Parton,  
attorneys)

Record Closed: February 12, 2026

Decided: March 11, 2026

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

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On December 17, 2025, A.F. and G.F. on behalf of C.B. (petitioners) filed a petition with the Office of Special Education. The Office of Special Education Policy and Procedures of the New Jersey Department of Education transmitted the case to the Office of Administrative Law (OAL) on January 16 2026, under the Administrative

Procedure Act, 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 -18.4.

### **FINDINGS OF FACT**

The case was assigned to me for a hearing. On January 20, 2026, a notice was issued for a hearing on January 23, 2026, at 3:00 p.m.; on January 23, 2026, a notice was issued for a hearing on January 28, 2026, at 3:30 p.m.; on January 30, 2026, a notice was issued for a hearing on February 2, 2026, at 4:30 p.m.; on February 3, 2026, a notice was issued for a hearing on February 12, 2026, at 1.00 p.m. The notices provided the dial-in information the parties were to use to participate. Petitioners did not appear for any of scheduled hearings. To date, these notices have not been returned to this office as undeliverable. Also, to date, petitioners have not submitted a letter of explanation regarding their failure to appear for any of the scheduled hearings. Petitioners, however, submitted an email on March 3, 2026, several days since the last hearing date, requesting a hearing.

### **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 petitioners have failed to appear for four scheduled appearances and have not contacted the Office of Administrative Law to address these failures, I **CONCLUDE** that petitioners have abandoned their petition and did not provide in a timely manner any good cause as to why they failed to appear at any of the four scheduled hearing dates.

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 the hearings that were scheduled for January 23, 2026; January 28, 2026; February 2, 2026; and February 12, 2026. Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed.

It is **ORDERED** that this case is **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 (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.

March 11, 2026  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
**JOAN M. BURKE, ALJ**

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

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

JMB/am