

#23-08 (OAL Decision: Not Available On-Line)

C.I.S. on behalf of minor children,	:	
A.P.S. and A.S.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BOROUGH OF SOUTH PLAINFIELD,	:	
MIDDLESEX COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her children in June 2007. The respondent filed an answer and counterclaim for tuition. Petitioner received appropriate notice of a December 2007 hearing, but failed to appear and provided no explanation for her nonappearance.

Having received no explanation from the petitioner for her non-appearance, the ALJ recommended dismissal of the case and returned the file to the Commissioner. The file included respondent's letter conveying its willingness to withdraw its counterclaim.

The Commissioner adopted the Initial Decision – finding that this matter is no longer a contested case and recommending dismissal of the petition – as the final decision in this case.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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January 18, 2008

OAL DKT. NO. EDU 4823-07
AGENCY DKT. NO. 152-6/07

C.I.S. on behalf of minor children,	:	
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	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
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	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. In the Initial Decision the Administrative Law Judge (ALJ) advises that the petitioner failed to appear at the hearing scheduled in this case, notwithstanding the two notices that had been sent to her at the address listed in her petition. Having received no explanation from the petitioner for the non-appearance, the ALJ recommends dismissal of the case and has returned the file to the Commissioner pursuant to *N.J.A.C.* 1:1-14.4 – along with copies of the notifications that were sent to the parties by the OAL concerning the December 4, 2007, hearing date.

No exceptions have been filed by petitioner, and the respondent has conveyed in writing its willingness to withdraw its counterclaim. The Commissioner consequently adopts the Initial Decision – finding that this matter is no longer a contested case and recommending dismissal of the petition with prejudice – as the final decision in this case.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: January 18, 2008

Date of Mailing: January 18, 2008

¹ This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*