

#383-08 (OAL Decision: not yet available on-line)

A.P. on behalf of minor child J.T.C., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF MOUNT OLIVE,
MORRIS COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his nephew in February 2008. The respondent filed an answer and, subsequently, a counterclaim for tuition. Petitioner received appropriate notice of a hearing scheduled on July 3, 2008, but failed to appear and provided no explanation for his nonappearance.

Based upon petitioner's failure to prosecute his appeal and failure to submit any opposition to the Board's certification in support of its tuition claim, the ALJ concluded that the petition filed by A.P. should be dismissed. She further concluded that the Board sustained its burden of proving entitlement to tuition reimbursement in the amount of \$5,700.44.

The Commissioner adopted the Initial Decision as the final decision in this case, and granted the Board's counterclaim for tuition.

<p>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.</p>

September 17, 2008

OAL DKT. NO. EDU 3353-08
AGENCY DKT. NO. 44-2/08

A.P. on behalf of minor child J.T.C., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
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RESPONDENT. :

Upon review of the record in this matter and the Initial Decision of the Office of Administrative Law (OAL),¹ the Commissioner adopts the Initial Decision as the final decision in this case. Accordingly, petitioner's appeal is dismissed and respondent's counterclaim for tuition in the amount of \$5,700.44 is granted.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: September 17, 2008

Date of Mailing: September 17, 2008

¹ No exceptions were filed.

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.