

#446-12

M.K., on behalf of minor child, I.T.K., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF CLIFTON, PASSAIC COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of I.T.K. in March 2012. A hearing at the Office of Administrative Law (OAL) was scheduled for October 18, 2012, but petitioner failed to appear despite having received appropriate notice and provided no explanation for their nonappearance. Having received no explanation from petitioners for their failure to appear, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner dismissed the petition with prejudice, further noting that the file included a letter dated October 15, 2012 from the Board attorney to the Administrative Law Judge withdrawing the Board's counterclaim for tuition and requesting that the petition be dismissed.

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.

November 21, 2012

OAL DKT. NO. EDU 4660-12
AGENCY DKT. NO. 68-3/12

M.K., on behalf of minor child, I.T.K., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF CLIFTON, PASSAIC COUNTY, :
RESPONDENT. :
_____ :

The record of this matter and advisement of failure to appear transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C.* 1:1-14.4 – along with copies of the notification sent to the parties by the OAL on October 23, 2012, providing petitioner thirteen days to submit an explanation for such nonappearance – have been reviewed. There being no explanation filed, this matter is no longer deemed to be a contested matter before the Commissioner, and is hereby dismissed with prejudice.¹

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: November 21, 2012

Date of Mailing: November 21, 2012

¹ It is noted that, by letter dated October 15, 2012 to the Administrative Law Judge, the Board reported that “[a]dditional information has been provided to the Board demonstrating that I.T.K. may be domiciled in Clifton.” This letter further went on to withdraw the Board’s counterclaim for tuition in this residency matter and requested that the petition be dismissed..

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).