

#105-13 (OAL Decision: Not yet available online)

A.H. on behalf of minor child N.H., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF EWING, :
MERCER COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his daughter on August 2, 2012. A hearing at the Office of Administrative Law (OAL) was held on January 28, 2013, but petitioner failed to appear despite having received appropriate notice and provided no explanation for his nonappearance. Counsel for the Board did appear on January 28, 2013, and the ALJ conducted a hearing at which the Board presented *ex parte* proofs in support of its claim for tuition reimbursement.

The ALJ found that: petitioner failed to appear and prosecute his appeal of the Board's decision; the Board presented *ex parte* proofs demonstrating that it is entitled to tuition reimbursement in the amount of \$5,255.48. The ALJ concluded that the determination of the Board that N.H. was not domiciled in Ewing during the 2011-2012 school year should be upheld, and accordingly dismissed the petition and granted the Board's counterclaim for tuition in the amount of \$5,255.48, representing seventy-four days of ineligible attendance at the daily rate of \$71.02.

The Commissioner concurred with the ALJ's findings and conclusion, and adopted the Initial Decision as the final decision in this matter.

<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>

March 19, 2013

OAL DKT. NO. EDU 11691-12
AGENCY DKT. NO. 217-8/12

A.H. on behalf of minor child N.H., :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF EWING, :
MERCER COUNTY, :
RESPONDENT. :

The Commissioner has reviewed the record of this residency dispute and the Initial Decision of the Office of Administrative Law,¹ and determines after consideration of same to adopt the Initial Decision as the final decision in this case. Accordingly, the petition is dismissed and petitioner is liable to respondent for tuition in the amount of \$5,255.48.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: March 19, 2013

Date of Mailing: March 20, 2013

¹ No exceptions were filed by the parties.

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