

#270-14 (OAL Decision: Not available online)

D.B., on behalf of minor child, E.B., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION  
OF WEST ORANGE, ESSEX COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of his son in January 2014. The Board filed a counterclaim for tuition reimbursement. Petitioner could not be reached for a pre-hearing telephone conference on April 7, 2014, and failed to appear for an in-person conference scheduled for April 30, 2014. The ALJ then scheduled a hearing date in the Office of Administrative Law for June 27, 2014 to consider the Board's counterclaim. Subsequently, however, the Board waived its request for tuition reimbursement.

The ALJ found that the petitioner failed to appear at the in-person conference and the respondent Board waived its claim for tuition. Accordingly, the ALJ determined that the matter should be dismissed for failure to prosecute.

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

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.

June 25, 2014

OAL DKT. NO. EDU 03046-14  
AGENCY DKT. NO. 316-12/13

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision. Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge that this matter is appropriately dismissed for failure to prosecute.

Accordingly, the Initial Decision of the OAL is adopted for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 25, 2014

Date of Mailing: June 25, 2014

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<sup>1</sup> 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).