

#113-14

H.F., on behalf of minor children, S.D. and A.D., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF WOODLAND PARK,
PASSAIC COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her children in August 2013. A hearing at the Office of Administrative Law (OAL) was scheduled for January 24, 2014, but petitioner failed to appear despite having received appropriate notice and provided no explanation for her nonappearance. Having received no explanation from petitioner for her failure to appear, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner dismissed the petition with prejudice. In so doing, the Commissioner noted that the Board's Answer in this residency matter contained a counterclaim for tuition which was left unresolved by the Administrative Law Judge. Accordingly, the matter was remanded to the OAL for resolution of the tuition issue.

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.

March 5, 2014

OAL DKT. NO. EDU 12626-13
AGENCY DKT. NO. 186-8/13

H.F., on behalf of minor children, S.D. and A.D., :
PETITIONER, :
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BOARD OF EDUCATION OF THE : DECISION
BOROUGH OF WOODLAND PARK,
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RESPONDENT. :

The record of this matter and advisement of petitioner's 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 OAL on January 28, 2014, providing petitioner thirteen days to submit an explanation for such nonappearance, have been reviewed. There being no explanation filed by petitioner, the petition of appeal is hereby dismissed with prejudice due to petitioner's failure to appear at hearing or provide an explanation for her nonappearance.

Notwithstanding the dismissal of the petition, the Commissioner notes that the Board's Answer in this residency matter contained a counterclaim for tuition which was left unresolved by the Administrative Law Judge. In that the record before the Commissioner contains no affidavit of a responsible Board official attesting to the amount of tuition claimed by the Board as a consequence of the ineligible attendance of petitioner's children in its schools, this matter must be remanded to the OAL for supplementation of the record in this regard and an appropriate recommended order regarding the payment of tuition.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: March 5, 2014
Date of Mailing: March 5, 2014

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