



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 04667-18

AGENCY DKT. NO. 2018-27617

L.J. ON BEHALF OF Z.B.,

Petitioner,

v.

UPPER SADDLE RIVER

BOARD OF EDUCATION,

Respondent.

No appearance from L.J.

Stacey T. Cherry, Esq., for respondent (Fogarty & Hara, attorneys)

Record Closed: April 20, 2018

Decided: April 20, 2018

BEFORE **LESLIE Z. CELENTANO**, ALJ:

STATEMENT OF THE CASE

Petitioner failed to appear for the in-person settlement conference in this matter. For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14.

PROCEDURAL HISTORY

On March 30, 2018, petitioner filed a petition for due process with the Department of Education, Office of Special Education.

On April 3, 2018, the Office of Special Education transmitted the case to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.5. The matter was scheduled for an in-person settlement conference on April 19, 2018.

FINDINGS OF FACT

On April 19, 2018, petitioner did not appear for the settlement conference. Respondent, however did appear. Several attempts to reach petitioner were made to her mobile and work telephone number. No return call has been received from petitioner.

CONCLUSIONS OF LAW

For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14. In this case, petitioner failed to appear for the hearing of this case after she was given notice, and to date, has still not contacted this tribunal to explain why. Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed under the authority granted to me by N.J.A.C. 1:1-14.14.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that this case be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2017) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2017). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education Programs.

April 20, 2018
DATE


LESLIE Z. CELENTANO, ALJ

Date Received at Agency

April 20, 2018

Date Mailed to Parties:

dr