



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

**FAILURE TO APPEAR**

OAL DKT. NO. EDS 13326-17

AGENCY DKT. NO. 2018-26813

**F.L. ON BEHALF OF L.L.,**

Petitioner,

v.

**ORANGE TOWNSHIP**

**BOARD OF EDUCATION,**

Respondent.

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**No appearance by F.L., pro se**

**Janelle N. Winters, Esq.,** for respondent (Machado Law Group, attorneys)

Record Closed: February 23, 2018

Decided: February 28, 2018

BEFORE **JULIO C. MOREJON**, ALJ:

This case which arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§1401 to 1484(a) and C.F.R. §§300.500, was transmitted to the Office of Administrative Law for hearing and final decision on September 12, 2017.

A hearing was scheduled for February 23, 2018. A notice of the hearing date was sent to the petitioner on or about February 2, 2018. In addition, on February 2, 2018, the

undersigned wrote to petitioner advising him of the hearing date and that on January 12, 2018, an Order was entered in the Essex County Superior Court, Chancery Division, Docket Number FN-07-339-16, (NJ Spirit Case Number 16012337), which among other things continued L.L.'s legal and physical custody with the New Jersey Division of Child Protection and Permanency (DCP&P), and ordered that L.L. be enrolled in the New Jersey Elks Academy petitioner's objections. Neither the hearing notice or the letter was returned as undeliverable.

By letter dated February 20, 2018, and faxed to the Office of Administrative Law on the same date, petitioner wrote to the undersigned requesting an adjournment of the hearing scheduled for February 23, 2018. Petitioner did not state a reason for his request and his request was denied. Unsuccessful attempts were made to contact petitioner via telephone to inform him that his request was denied.


Petitioner did not appear on the date of the hearing scheduled for February 23, 2018, at 10:00AM. The undersigned waited until 11:00AM, and opened the record. Unsuccessful attempts were made to contact petitioner via telephone to inquire as to his appearance. To date, he has not explained his nonappearance. Accordingly, the petition must be **DISMISSED** for failure to pursue a claim of action under N.J.A.C. 1:1-14.4.

**ORDER**

I **ORDER** that the petition 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.

February 28, 2018  
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DATE

  
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**JULIO C. MOREJON, ALJ**

Date Received at Agency

February 28, 2018  
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Date Mailed to Parties:  
lr

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