



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

(CONSOLIDATED)

OAL DKT. NOS. EDS 08812-17 and
EDS 08944-17
AGENCY DKT. NOS. 2017-26230
and 2017-26231

C.R. ON BEHALF OF C.R.,

Petitioner,

v.

EAST ORANGE BOARD OF EDUCATION,

Respondent.

C.R., petitioner, pro se

Avis Bishop-Thompson, Esq., for respondent (DeCotiis, FitzPatrick and Cole,
attorneys)

Record Closed: March 20, 2018

Decided: March 20, 2018

BEFORE **MICHAEL ANTONIEWICZ**, ALJ:

STATEMENT OF THE CASE

The Office of Special Education Policy and Procedure of the New Jersey Department of Education transmitted the matters to the Office of Administrative Law for

a hearing. The OAL received the files on June 22 and 23, 2017.¹ C.R. on behalf of C.R. filed petitions for due process against the East Orange Board of Education seeking access to an AAC device and an appropriate placement.

FINDINGS OF FACT

I **FIND** the following uncontested **FACTS**:

1. By notice dated July 27, 2017, the parties were notified of the hearing scheduled for February 12, 2018.
2. Petitioner nor counsel for the Board appeared for the hearing.
3. To date, this office has not received an explanation for the failure to appear or a letter advising the matter had been resolved.

CONCLUSIONS OF LAW

Based on the foregoing facts, I **CONCLUDE** that the parties have abandoned this matter and that it should be returned to the transmitting agency.

Based on the applicable law, if the judge does not receive an explanation for the nonappearance, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition. Petitioner and the Board failed to appear at the scheduled proceeding, and failed to provide an explanation for the nonappearance. Accordingly, the Clerk should return this matter to the Office of Special Education Policy and Procedure.

ORDER

It is **ORDERED** that this matter be **DISMISSED**.

¹ For purposes of this Final Decision, I **ORDER** that the above matters be and hereby are consolidated.

It is further **ORDERED** that the Clerk return this file to the Office of Special Education Policy and Procedure of the New Jersey Department of Education.

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.

March 20, 2018
DATE



MICHAEL ANTONIEWICZ, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

jb