#188-10

WILLIAM NASH,   :

        PETITIONER,   :

V.   :   COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE TOWN   :   DECISION
OF KEARNY, HUDSON COUNTY,

                                                 :

        RESPONDENT.   :
_____

SYNOPSIS

Petitioner filed an appeal charging that the Board's removal of him from the school wrestling team for violation of the school's alcohol policy as a result of a DWI, which did not occur on school grounds or during school hours, is arbitrary, capricious and unreasonable.   Petitioner filed a motion for emergent relief, which was denied.   Subsequently, petitioner failed to appear at the hearing scheduled in this matter on March 31, 2010, and provided no explanation for his nonappearance. Having received no explanation from the petitioner for his non-appearance, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner dismissed the petition with prejudice.

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, 2010

OAL DKT. NO. EDU 1667-10
AGENCY DKT. NO. 23-2/10

WILLIAM NASH,   :

      PETITIONER,   :

V.   :   COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE TOWN   :   DECISION
OF KEARNY, HUDSON COUNTY,

                                               :

      RESPONDENT.   :
_____

          The record of this matter – which includes the advisement of the failure to appear,

transmitted by the Office of Administrative Law (OAL) pursuant to *N.J.A.C.* 1:1-14.4 and the

notification sent to the parties by the OAL on May 12, 2010, providing an opportunity to submit

an explanation for such nonappearance – has been reviewed. There was no explanation filed by

petitioner, notwithstanding the opportunity to do so. Accordingly, this matter is no longer

deemed to be a contested case before the Commissioner and is hereby dismissed with prejudice.[*]

          IT IS SO ORDERED.

                                    COMMISSIONER OF EDUCATION

Date of Decision: June 25, 2010

Date of Mailing: June 25, 2010

_____

[*] This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and
N.J.A.C. 6:4-1.1 *et seq.*