

#57-10

OAL DKT. NO. EDU 7872-09

AGENCY DKT. NO. 88-5/09

N.N.-B., on behalf of minor children, A.D. and A.D.,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE BOROUGH OF FAIRVIEW, BERGEN COUNTY,	:	DECISION
	:	
RESPONDENT.	:	

The record of this matter – transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C.* 1:1-14.4 and including an advisement of petitioner’s failure to appear at the scheduled OAL hearing – has been reviewed. Petitioner filed no explanation for her failure to appear, notwithstanding the opportunity to do so.

Additionally, the record forwarded by the OAL indicates – via various uncontested communications from counsel for the Board of Education – that the children on whose behalf the appeal was filed have moved from New Jersey and the Board has determined not to seek reimbursement of tuition, so that petitioner’s appeal of the Board’s determination that the children were ineligible to attend school in the district is now appropriately dismissed as moot.¹

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.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 1, 2010

Date of Mailing: March 1, 2010

¹ Petitioner was asked if she wished to withdraw her appeal, but did not reply to communications in this regard.

² Pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Appellate Division of the Superior Court.