

#259-11

V.W., on behalf of minor children, T.W. and T.W., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF PITTSBORO, :
SALEM COUNTY, :
RESPONDENT. :

SYNOPSIS

In February 2011, the petitioner filed a *pro se* residency appeal on behalf of his minor children, T.W. and T.W., contending that the family was homeless and that the last district of residency was Pittsgrove Township. On April 5, 2011, the Salem County Executive County Superintendent issued a determination that the family is homeless as of December 2010 and that Pittsgrove Township is the district of residence pursuant to *N.J.S.A.* 18A:38-1(f) and *N.J.S.A.* 18A:7B-12.1(c). Subsequently, the respondent Board requested a withdrawal of its counterclaim for tuition and instructed that the matter should be dismissed as moot. Petitioner did not answer his telephone for a telephone conference scheduled for May 23, 2011. Accordingly, the OAL returned the file to the Commissioner, and the petition was dismissed 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.

July 14, 2011

OAL DKT. NO. EDU 4030-11
AGENCY DKT. NO. 34-2/11

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PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF PITTSBORO, :
SALEM COUNTY, :
RESPONDENT. :

The record of this matter and the advisement of failure to appear transmitted to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-14.4* – along with copies of the notification sent to the parties by the OAL on May 31, 2011, providing petitioner thirteen days to submit an explanation for such nonappearance – have been reviewed. There being no explanation filed, this matter is no longer deemed to be a contested matter before the Commissioner and is hereby dismissed with prejudice.¹

IT IS SO ORDERED.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 14, 2011

Date of Mailing: July 15, 2011

¹ It is noted that, by letter dated April 19, 2011 to M. Kathleen Duncan, Director, Bureau of Controversies and Disputes, the Board withdrew its counterclaim for tuition in this matter.

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*.