

#237-11

J.S., on behalf of minor child, E.D., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
NORTHERN BURLINGTON COUNTY : DECISION  
REGIONAL SCHOOL DISTRICT,  
BURLINGTON COUNTY, :  
RESPONDENT. :

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SYNOPSIS

In October 2010, the petitioner filed a *pro se* residency appeal on behalf of minor child E.D. On November 17, 2010, E.D. was withdrawn from respondent Board's district and transferred to Rancocas Valley Regional High School by her father, J.D. The respondent Board filed a motion to dismiss the petitioner's appeal.

Petitioner received appropriate notice of a hearing in this matter on May 11, 2011, but failed to appear 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.

<p>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.</p>
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June 24, 2011

OAL DKT. NO. EDU 12514-10  
AGENCY DKT. NO. 605-10/10

J.S., on behalf of minor child, E.D., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
NORTHERN BURLINGTON COUNTY : DECISION  
REGIONAL SCHOOL DISTRICT, :  
BURLINGTON COUNTY, :  
RESPONDENT. :

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The record of this matter and 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 13, 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.<sup>1</sup>

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 24, 2011

Date of Mailing: June 24, 2011

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<sup>1</sup> It is noted that, by letter dated May 11, 2011 to the Administrative Law Judge, the Board withdrew its cross petition for tuition in this residency matter.

<sup>2</sup> 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).