

#143-12

M.H., on behalf of minor child, J.S., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF ORANGE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her son in April 2011. A hearing at the Office of Administrative Law (OAL) was scheduled for February 9, 2012, but petitioner failed to appear despite having received appropriate notice and provided no explanation for her nonappearance. Having received no explanation from petitioner for her failure to appear, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner dismissed the petition with prejudice, noting that the file included letters dated February 10 and 13, 2012 from the Board attorney indicating that the issues involving J.S.'s residency had been resolved, and no tuition would be sought.

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.

April 17, 2012

OAL DKT. NO. EDU 7917-11
AGENCY DKT. NO. 89-4/11

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 PETITIONER, :
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 :
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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 March 7, 2012, 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: April 17, 2012

Date of Mailing: April 18, 2012

¹ It is noted that, by letters dated February 10 and 13, 2012 to the Administrative Law Judge subsequent to the scheduled hearing date, counsel for the Board reported that the issues involving the student's residency had been resolved and that the Board would not be seeking tuition relative to this residency 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).