

#479-12 (OAL Decision: Not yet available online)

B.B. and M.B., on behalf of minor child, K.B.; :
L.S. and T.H., on behalf of minor child, J.H.; :
R.V. and T.V., on behalf of minor child, A.V.; :
and M.T. and O.T., on behalf of minor child, :
K.T., :

PETITIONERS, : COMMISSIONER OF EDUCATION

V. : DECISION

BOARD OF EDUCATION OF THE :
BOROUGH OF DUMONT, BERGEN :
COUNTY, :

RESPONDENT. :

SYNOPSIS

On June 18, 2012, the petitioners, on behalf of their minor children, filed an appeal asserting that “bullying” charges against each of the minors – which stemmed from a single incident that occurred in March 2012 – should be downgraded to “inappropriate behavior,” and that all references to bullying should be removed from each student’s file. The matter was transmitted to the Office of Administrative Law (OAL) in July 2012. Petitioners R.V. and T.V., on behalf of minor child A.V., and M.T. and O.T., on behalf of minor child K.T., failed to appear at a prehearing conference on September 17, 2012 despite having received appropriate notice. No explanation for their failure to appear was provided to the OAL.

The ALJ found that the aforementioned petitioners failed to appear at the preconference hearing and offered no explanation for their absence. Accordingly, the ALJ concluded that this matter is no longer a contested case in regard to these petitioners, and dismissed their appeal.

Upon review of the file, the Commissioner concurred with the ALJ’s partial Initial Decision that this matter is appropriately dismissed – with respect to the above named parties – for failure to prosecute. Accordingly, the Commissioner adopted the partial Initial Decision as the final decision in connection with petitioners R.V., T.V., M.T. and O.T., and dismissed the within appeal.

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.

OAL DKT. NO. EDU 8798-12
AGENCY DKT. NO. 161-6/12

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The record of this matter and the partial Initial Decision of the Office of Administrative Law have been reviewed.¹ This matter involves a petition of appeal that was filed by several parents on behalf of their minor children. The Administrative Law Judge (ALJ) found that four of the petitioners, R.V., T.V., M.T. and O.T., failed to appear at the settlement conference and they did not provide any explanation for their failure to appear. As a result, the ALJ dismissed those parties from the case for the failure to prosecute. The parties did not file exceptions to the partial Initial Decision.

Upon such review, the Commissioner adopts the partial Initial Decision as the final decision in connection with petitioners, R.V., T.V., M.T. and O.T., for the reasons set forth therein. Accordingly, the petition is hereby dismissed with respect to those parties.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: December 19, 2012
Date of Mailing: December 19, 2012

¹ Although the ALJ referred to the decision as an Initial Decision, it is actually a partial Initial Decision because the recommended decision only involved four petitioners and it did not dispose of the entire case. The remaining petitioners are continuing to pursue this matter at the Office of Administrative Law.

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*).