

#55-13 (OAL Decision: Not yet available online)

M.W., on behalf of minor child, C.R., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF NORTH BRUNSWICK,
MIDDLESEX COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a residency appeal on behalf of her child, C.R., in April 2012. A hearing at the Office of Administrative Law (OAL) was scheduled for October 11, 2012, but petitioner failed to appear despite having received appropriate notice of the hearing.

The ALJ issued an Initial Decision in this matter, which indicated that the respondent Board had provided notification that the matter was settled by virtue of an oral agreement between the parties; further, the Board notified the ALJ by letter that C.R. had been disenrolled from its schools for the 2012-2013 school year. Nonetheless, the matter was never withdrawn from the calendar and the petitioner failed to appear at the scheduled October 11, 2012 hearing. The ALJ found that petitioner had abandoned her appeal, and concluded that the matter is now moot; accordingly, the petition was dismissed with prejudice.

The Commissioner concurred with the ALJ that the matter is appropriately dismissed for failure to prosecute, and adopted the Initial Decision as the final decision in this matter.

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.

February 6, 2013

OAL DKT. NO. EDU 5399-12
AGENCY DKT. NO. 86-4/12

M.W., on behalf of minor child, C.R.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY,	:	DECISION
RESPONDENT.	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge (ALJ) that – because petitioner failed to appear at the October 11, 2012 hearing in this matter, after having received due notice of such hearing – this matter is appropriately dismissed for failure to prosecute.¹

Accordingly, the recommended decision of the OAL is adopted and the instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 6, 2013

Date of Mailing: February 6, 2013

¹ Additionally, by letter to the ALJ, dated September 25, 2012, counsel for the Board reports that as “the minor child, C.R., has not attended the High School during the new academic year and thus has been dis-enrolled from the school”...any hearing in this matter is now moot.

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*).