

#323-15 (OAL Decision: Not yet available online)

K.L., on behalf of minor children, N.B. and A.B.	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE CITY OF ORANGE, ESSEX COUNTY,	:	DECISION
	:	
RESPONDENT.	:	

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SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her children, challenging the Board's determination that petitioner and her family do not reside in the City of Orange. Petitioner asserted that she is domiciled in Orange, and submitted bills and notices bearing a City of Orange address. The Board contended that a residency investigation had revealed that petitioner's family was residing in Bloomfield, New Jersey. A hearing in the matter was held on August 24, 2015; petitioner did not appear at the hearing. Counsel for the Board did appear and presented – on the record – a Motion to Dismiss, based on petitioner's failure to litigate her appeal.

The ALJ held the record open for twenty-four hours following the hearing, but petitioner failed to make contact with the OAL and the record was closed. Respondent's counsel informed the OAL that the Board would not pursue tuition reimbursement. Accordingly, the ALJ granted the respondent's Motion to Dismiss. The matter was dismissed with prejudice.

The Commissioner concurred with the ALJ's determination to dismiss the matter based on petitioner's failure to litigate her appeal. Accordingly, the Initial Decision was adopted 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.
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October 8, 2015

OAL DKT. NO. EDU 16075-14  
AGENCY DKT. NO. 321-11/14

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

Upon such review, the Commissioner concurs with the Administrative Law Judge's determination that the Board's motion to dismiss should be granted based on the petitioner's failure to litigate her appeal. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: October 8, 2015

Date of Mailing: October 9, 2015

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