

#28-16

B.J.B., on behalf of minor child, B.W. :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF PEMBERTON,  
BURLINGTON COUNTY, :  
RESPONDENT. :

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SYNOPSIS

Petitioner challenged the respondent Board's determination that her child, B.W., was not entitled to a free public education in the Pemberton Township Schools based on a residency hearing. Petitioner asserted that she and her child were current residents of Browns Mills, Pemberton Township. Subsequently, the matter was returned to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-19.2(b)*, in light of petitioner's withdrawal of the Petition of Appeal.

Notwithstanding petitioner's letter to the OAL indicating that the petition was being withdrawn, the Board's counterclaim for tuition for the period of B.W.'s alleged ineligible attendance in the district remains unresolved. Accordingly, the Commissioner remanded the matter to the OAL for such proceedings as are necessary to address the Board's counterclaim.

<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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January 28, 2016

OAL DKT. NO. EDU 3557-15  
AGENCY DKT. NO. 33-2/15

B.J.B., on behalf of minor child, B.W. :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
TOWNSHIP OF PEMBERTON, :  
BURLINGTON COUNTY, :  
RESPONDENT. :

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On or about January 14, 2016, this matter was returned to the Commissioner by the Office of Administrative Law (OAL) pursuant to *N.J.A.C. 1:1-19.2(b)* in light of petitioner's withdrawal of the Petition of Appeal.

Upon review of the record, the Commissioner notes that – notwithstanding petitioner's letter to the OAL indicating that the petition was being withdrawn – the Board's answer in this residency matter contains an unresolved counterclaim for tuition for the period of B.W.'s alleged ineligible attendance in the district. Accordingly, the Commissioner remands this matter to the OAL for such proceedings as are necessary to address the Board's counterclaim.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: January 28, 2016  
Date of Mailing: January 28, 2016