

R.W., ON BEHALF OF MINOR CHILD, J.W. :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION  
OF WASHINGTON, GLOUCESTER COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

In May 2011, petitioner filed an appeal challenging her son’s suspension from general education classes and his assignment to an alternative school. Petitioner failed to appear on the second scheduled day of hearing in the matter, on December 5, 2011. The Commissioner subsequently remanded the matter to the OAL after receiving petitioner’s exceptions to the ALJ’s dismissal of the petition for her failure to appear. On remand, the record of this matter and the advisement by the OAL of petitioner’s failure to appear at a status conference scheduled for June 27, 2012 were reviewed, along with petitioner’s hand-written explanation for her non-appearance – which included a statement that she had not heard from the court in four years, and could not remember why she had failed to attend the status conference in 2012. She stated, however, that she had been very ill at that time, and requested a new court date.

The Commissioner reviewed the matter on remand, and found that the failure to appear was processed on December 7, 2016 – more than four years after the status conference that petitioner missed. Given the length of time that has elapsed, and the petitioner’s written explanation for her nonappearance, the Commissioner returned the matter to the OAL for further disposition pursuant to *N.J.A.C. 1:1-3.3(b)*.

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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OAL DKT. NO. EDU 01189-12  
(EDU 5274-11 ON REMAND)  
AGENCY DKT. NO. 115-5/11

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The record of this matter and the advisement by the Office of Administrative Law (OAL) – pursuant to *N.J.A.C.* 1:1-14.4 – of petitioner’s failure to appear at a status conference scheduled for June 27, 2012 have been reviewed.

Petitioner filed a hand-written explanation, which has been thoroughly reviewed and considered. In her explanation, petitioner asserts that she has not heard from the court in four years. She indicated that she had been very ill, and was sure that if she did not appear, it was for an urgent reason as she would otherwise have called.

Upon review, it appears as though petitioner is correct. The failure to appear was processed on December 7, 2016 – more than four years after the status conference that petitioner is said to have missed. Given the lengthy time since the status conference at issue, as well as petitioner’s written explanation for her nonappearance, this matter is being returned to the OAL for further disposition, pursuant to *N.J.A.C.* 1:1-3.3(b).

Accordingly, this matter is hereby remanded to the OAL for further disposition as indicated herein.

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 20, 2017

Date of Mailing: January 20, 2017