

131-17

C.G., on behalf of minor child, E.J.G., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
LAKELAND REGIONAL HIGH SCHOOL
DISTRICT, PASSAIC COUNTY, :
RESPONDENT. :

SYNOPSIS

Petitioner filed a *pro se* residency appeal on behalf of her son, E.J.G., seeking a determination that E.J.G. is entitled to a free public education in the Lakeland Regional High School District. The respondent Board alleged that petitioner resides in Lincoln Park, which is not a part of the Lakeland Regional High School District.

The matter was transmitted to the Office of Administrative Law (OAL) and a pre-hearing conference was scheduled for March 28, 2017. Petitioner failed to appear at the scheduled hearing. The OAL sent a notice of petitioner's failure to appear to the Commissioner on March 30, 2017, and subsequently returned the file to this agency. Correspondence from petitioner explaining her failure to appear was received by the Commissioner on April 13, 2017.

Upon review, the Commissioner found that the petitioner asserted that she had called the OAL on March 28 when she did not receive a call from the OAL for the 3:30 prehearing telephone conference. Petitioner asserted that she was told that she would receive a notice by mail with a new prehearing conference date. When no notice was received, she contacted the OAL and was told the file had been returned to the Department of Education. Based on the petitioner's timely written explanation for her nonappearance and her assertion that she had called regarding the status of the conference, the Commissioner determined to re-transmit the matter to the OAL for further disposition pursuant to *N.J.A.C.* 1:1-3.3(b).

<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>

May 11, 2017

OAL DKT. NO. EDU 1924-17
AGENCY DKT. NO. 323-12/16

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PETITIONER, :
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LAKELAND REGIONAL HIGH SCHOOL :
DISTRICT, PASSAIC COUNTY, :
RESPONDENT. :

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 March 28, 2017 prehearing conference have been reviewed.

Petitioner filed a hand-written explanation asserting that she called the OAL on March 28, 2017 at 3:38 when she did not receive a call from the OAL for the 3:30 prehearing conference. The petitioner contends that someone from the OAL informed her that the OAL was experiencing problems with the phone system and that she would receive a notice in the mail with a new date for the prehearing conference. When the petitioner did not receive a notice with a new prehearing conference date, she contacted the OAL and was told that the file had been returned to the Department of Education (Department). The petitioner further states the Administrative Law Judge Bedrin Murray advised the petitioner that she should contact the Department and request that the file be returned to the OAL.

Based upon the petitioner’s timely written explanation for her nonappearance and her assertion that she called the OAL on the date of the prehearing conference to inquire about

the status of the conference, this matter is being retransmitted to the OAL for further disposition, pursuant to *N.J.A.C. 1:1-3.3(b)*.

IT IS SO ORDERED.

N.J.A.C. 1:1-3.3(b).

ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 11, 2017

Date of Mailing: May 11, 2017