

OAL Dkt. No. EDU 12114-19
Agency Dkt. No. 225-8/19

New Jersey Commissioner of Education
Final Decision

V.S.W., on behalf of minor child P.Q.,

Petitioner,

v.

Board of Education of the Town of
Hammonton, Atlantic County,

Respondent.

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 – for the reasons stated in the Initial Decision – that the petition of appeal should be dismissed for failure to prosecute. Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: December 9, 2019
Date of Mailing: December 9, 2019

¹ 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).



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION - DISMISSAL

OAL DKT. NO. EDU 12114-19

AGENCY DKT. NO. 225-8/19

V.S.W. ON BEHALF OF MINOR CHILD

P.Q.,

Petitioner,

v.

BOARD OF EDUCATION OF THE

TOWN OF HAMMONTON,

ATLANTIC COUNTY,

Respondent.

V.S.W., petitioner, pro se

Camille L. McKnight, Esq., for respondent (Cooper Levenson, P.A., attorneys)

Record Closed: November 14, 2019

Decided: November 15, 2019

BEFORE **JEFFREY R. WILSON**, ALJ:

STATEMENT OF THE CASE

V.S.W. (petitioner) on behalf of her minor daughter, P.Q. brings an action for emergent relief against the Board of Education of the Town of Hammonton, Atlantic County (respondent), challenging the respondent's refusal to accept P.Q. into the Choice Program.

The respondent opposes the relief requested and asserts that the petitioner's application is legally defective as none of the arguments in her petition provide a basis to grant the requested emergent relief. The respondent argues that the petitioner cannot satisfy any of the mandatory prerequisites outlined in Crowe v. DeGoia, 90 N.J. 126 (1982.)

PROCEDURAL HISTORY

Petitioner filed a request for emergent relief on August 27, 2019, with the New Jersey Department of Education (NJDOE). On August 28, 2019, the NJDOE transmitted the matter to the Office of Administrative Law (OAL) as a contested case seeking emergent relief for the petitioner. The parties presented oral argument on the emergent relief application on September 9, 2019, at the OAL offices in Atlantic City, New Jersey and the record closed. By Order dated September 9, 2019, the aforementioned emergent relief was denied.

By Order dated September 26, 2019, the Commissioner of Education adopted the recommended Order of the OAL denying petitioner's application for emergent relief. The Commissioner further ordered that the matter shall continue at the OAL with such proceedings as the parties and the ALJ deem necessary to bring this matter to closure.

On October 4, 2019, proper notice was emailed to the parties for a telephone status conference on November 13, 2019 at 2:00 p.m. The petitioner failed to participate in the status conference. Counsel for the respondent represented that she has had no contact with the petitioner since the September 9, 2019 oral argument. Counsel for the respondent further represented that the district has had no further contact with the petitioner relative to the matter.

To date, the petitioner has not provided a request for an adjournment of the November 13, 2019, status conference or an explanation for her nonappearance at the same. Therefore, I **CONCLUDE** that the petitioner has failed to appear and abandoned her appeal.

ORDER

It is hereby **ORDERED** that this matter is **DISMISSED**.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, ATTN: BUREAU OF CONTROVERSIES AND DISPUTES, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



November 15, 2019 _____

DATE

JEFFREY R. WILSON, ALJ

Date Received at Agency: _____

Date Sent to Parties: _____

JRW/tat