

202-20

OAL Dkt. No. EDU 00613-20

Agency Dkt. No. 325-12/19

New Jersey Commissioner of Education

Final Decision

Jenny Gonzalez,

Petitioner,

v.

Board of Education of the City of Union, Union
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. 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

INTERIM COMMISSIONER OF EDUCATION

Date of Decision: September 11, 2020

Date of Mailing: September 11, 2020

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 00613-20

AGENCY DKT. NO. 325-12/19

JENNY GONZALEZ,

Petitioner,

v.

UNION CITY BOARD OF EDUCATION,

Respondent.

Jenny Gonzalez, petitioner, pro se

Susanne Lavelle, Esq., for respondent

Record Closed: July 17, 2020

Decided: July 30, 2020

BEFORE **SUSANA E. GUERRERO**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

The matter was transmitted to the Office of Administrative Law (OAL), where it was filed on January 14, 2020. The parties were advised that a prehearing telephone conference was scheduled for February 12, 2020. Petitioner did not participate in the scheduled prehearing telephone conference and did not call the OAL to explain why she was unable to do so. A hearing was subsequently scheduled for July 17, 2020.

On or around May 20, 2020, respondent filed a Motion to Compel Discovery, or in the Alternative to Dismiss the Appeal. By letter dated May 28, 2020, I informed petitioner that she had until June 10, 2020 to file an opposition to the Motion to Compel. Petitioner never filed an opposition to the Motion, and on June 16, 2020, I granted the respondent's Motion to Compel Discovery, and ordered that petitioner respond to interrogatories and respond to the Request for Admissions by June 26, 2020. The Order also authorized respondent to file a Motion to Dismiss should petitioner not provide the requested discovery by June 26, 2020. On June 29, 2020, respondent filed a Notice of Motion to Dismiss the Petition of Appeal on the basis that petitioner had not complied with the June 16, 2020 Order compelling discovery. Counsel for respondent certified that neither interrogatory answers nor responses to Requests for Admissions were provided to respondent, and no prior correspondence had been returned to respondent's counsel as undelivered/undeliverable. Finally, petitioner did not present for the July 17, 2020 hearing.

Petitioner never called or forwarded a letter to the OAL explaining her failure to appear for the prehearing conference or the hearing, nor her failure to respond to the Motion to Compel or the Motion to Dismiss the Petition. Accordingly, I **CONCLUDE** that petitioner has abandoned her appeal, and that dismissal is therefore appropriate.

ORDER

It is hereby **ORDERED** that this appeal be **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

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.

July 30, 2020
DATE


SUSANA E. GUERRERO, ALJ

Date Received at Agency: July 30, 2020

Date Mailed to Parties: _____

jb