

56-22

OAL Dkt. No. EDU 05088-20 and EDU 05089-20 (Consolidated)

Agency Dkt. No. 49-2/20 and 44-2/20

New Jersey Commissioner of Education

Decision

Laura Langer, et al,

Petitioners,

v.

Willie Hembree and Board of Education of the
City of Plainfield, Union County,

Respondents,

and

Stuart Balch, et al,

Petitioners,

v.

Willie Hembree and Board of Education of the
City of Plainfield, Union County,

Respondents.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Upon review, the Commissioner agrees with the Administrative Law Judge's determination – for the reasons stated in the Initial Decision – that petitioners in this matter agreed to withdraw their petitions, and that the petition of appeal should be dismissed. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter for the reasons expressed therein, and the petition is hereby dismissed.

IT IS SO ORDERED.¹


ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 22, 2022
Date of Mailing: March 22, 2022

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. EDU 05088-20

LAURA LANGER, ET AL,

Petitioners,

v.

**WILLIE HEMBREE & BOARD OF EDUCATION
OF THE CITY OF PLAINFIELD,**

Respondents.

STUART BALCH, ET AL

Petitioners,

v.

**WILLIE HEMBREE & BOARD OF EDUCATION
OF THE CITY OF PLAINFIELD,**

Respondents.

OAL DKT. NO. EDU 05089-20

(CONSOLIDATED)

Laura Langer and **Stuart Balch**, appearing pro se on behalf of petitioners

Michelle M. Schott, Esq. on behalf of respondent Board of Education of the
City of Plainfield

Record Closed: January 31, 2022

Decided: February 7, 2022

BEFORE **NANCI G. STOKES**, ALJ

STATEMENT OF THE CASE

On or about October 31, 2021, petitioners agreed to withdraw their petitions. Each matter consists of petitioners against the Board of Education of the City of Plainfield. All but two of the petitioners submitted letters withdrawing their request for a hearing. Several attempts have been made to obtain the last two withdrawals to no avail. Petitioners Peter Ringlee and Bogdan Langer, failed to withdraw her petition; despite my instructions to do so. Should this case be dismissed? Yes. Under N.J.A.C. 1:1-14(c)(1), dismissal may be granted for the unreasonable failure to comply with a judge's order.

PROCEDURAL HISTORY

In February 2020 a petition was filed with the Office of Controversies & Disputes. On May 5, 2020, respondent filed a motion to dismiss the petition in lieu of an answer. On May 11, 2020, the Office of Controversies and Disputes within the New Jersey State Department of Education transmitted these matters to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On June 23, 2020, I held a telephone prehearing wherein the parties agreed that the cases should be consolidated. Petitioner Balch also designated petitioner Langer to act as his representative. Each petitioner was to advise the court, via email, that Langer would be their representative. All petitioners, including Peter Ringlee and Bogdan Langer, submitted emails authorizing Langer to act as their representative.

Several telephone conferences were conducted, the last one being November 30, 2021. The purpose of the November conference call was to secure the agreement regarding some of the petitioners to join the others in withdrawing their petition. It was

not clear which petitioners were or were not withdrawing. Under my direction, on October 29, 2021, my secretary sent an email to all petitioners requesting that they reply individually whether or not they are withdrawing their request for a hearing. All but two petitioners responded that they are withdrawing. On November 3, 2021, a telephone conference was conducted wherein Lagner advised that both petitioners were willing to withdraw but had not sent an email confirming the withdrawal.

CONCLUSIONS OF LAW

Under N.J.A.C. 1:1-14.14 (a)(1), a dismissal may be granted for the unreasonable failure to comply with judge's order. In this case, I instructed petitioners to submit individual emails of who no longer wished to have a hearing. Based upon emails received from both Peter Ringlee and Bogdan Langer authorizing Laura Langer to "make any and all decisions she deems necessary on resolving the combined case", coupled with Langer's email withdrawing her request for a hearing, I **CONCLUDE** that this matter is no longer a case before OAL and should be **DISMISSED**.

ORDER

Based on the foregoing, I **ORDER** that this case is **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 is authorized by law 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 under 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.



February 7, 2022

DATE

NANCI G. STOKES, ALJ

Date Received at Agency:

February 7, 2022

Date Mailed to Parties:

February 7, 2022

ljb

DOCUMENTS RELIED ON

- Letters of withdrawals
- Emails, dated July 7, 2020, authorizing Langer to act as a representative