

100-22

OAL Dkt. No. EDU 08382-21
Agency Dkt. No. 124-8/21

New Jersey Commissioner of Education
Decision

Benjamin Wood,

Petitioner,

v.

New Jersey Department of Education,
Office of Student Protection,

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions.

Upon review, the Commissioner agrees with the Administrative Law Judge's determination that this matter 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: May 19, 2022
Date of Mailing: May 19, 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 08382-21

AGENCY DKT. NO. 124-8/21

BENJAMIN WOOD,

Petitioner,

v.

**NEW JERSEY DEPARTMENT
OF EDUCATION, OFFICE OF
STUDENT PROTECTION,**

Respondent.

Benjamin Wood, petitioner, pro se

Joshua P. Bohn, Deputy Attorney General, for respondent (Matthew J. Platkin,
Acting Attorney General of New Jersey, attorney)

Record Closed: April 11, 2022

Decided: April 19, 2022

BEFORE **EDWARD J. DELANOY, JR.**, Deputy Director and ALAJ:

The matter was transmitted to the Office of Administrative Law (OAL), on October 7, 2021, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. Petitioner challenges his disqualification from school employment due to his criminal background.

During the telephone conference conducted on February 25, 2022, petitioner advised that was going to withdraw his petition and was given until March 4, 2022, to file that withdrawal letter.

No withdrawal letter was received at the OAL and on March 31, 2022, a letter was sent to petitioner:

. . . If you still intend to withdraw your appeal, please complete the attached withdrawal form and return to our office in the self-addressed stamped envelope by April 11, 2022. If you no longer wish to withdraw your appeal and would like to proceed with your appeal, please contact my assistant . . . at the phone number listed above and indicate your intention to proceed. Absent a response by April 11, 2022, an initial decision dismissing the appeal will be issued.

Petitioner has not forwarded either a letter of withdrawal or a request to move forward to a hearing. Therefore, I **CONCLUDE** that respondent has abandoned his appeal.

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.

April 19, 2022
DATE


EDWARD J. DELANOY, JR., Deputy
Director and ALAJ

Date Received at Agency:

April 19, 2022

Date Mailed to Parties:

April 19, 2022

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