

**New Jersey Commissioner of Education**

**Final Decision**

E.C.-G., on behalf of A.J.G.,

Petitioner,

v.

Board of Education of the City of Jersey City,  
Hudson County,

Respondent.

**Synopsis**

*Pro se* petitioner filed a petition on June 20, 2023, seeking emergent relief against the respondent Board in the form of an Order requiring the District to allow her son A.J.G. to graduate with a diploma at the scheduled commencement ceremony on June 23, 2023. Emergent relief was denied, and the matter was continued at the Office of Administrative Law (OAL) in order to bring the matter to closure.

The ALJ found that: at the conclusion of the emergent hearing, A.J.G. was required to complete his missing credits over the summer in order to receive his diploma; a status conference was held in August 2023 and petitioner confirmed that A.J.G. had earned the required credits and received his diploma in time to begin college; petitioner also confirmed that she was seeking no other relief, and agreed that the rest of the petition would be withdrawn from the OAL; to date, petitioner has not submitted a formal written or electronic confirmation of her withdrawal of the case. The ALJ concluded that the petitioner has abandoned her appeal and returned the file to the Department of Education.

Upon review, the Commissioner concurred with the ALJ that this matter should be dismissed as the petitioner has indicated that no issues remain to be addressed following the resolution of her motion for emergent relief. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter and the petition was dismissed.

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.

349-23  
OAL Dkt. No. EDU 05399-23  
Agency Dkt. No. 165-6/23

**New Jersey Commissioner of Education**  
**Final Decision**

E.C.-G., on behalf of A.J.G.,

Petitioner,

v.

Board of Education of the City of Jersey City,  
Hudson County,


Respondent.

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

Upon review, the Commissioner concurs with the Administrative Law Judge that this matter should be dismissed because the petitioner indicated that no issues remain to be addressed following the resolution of her motion for emergent relief.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.<sup>1</sup>

  
ANGELINA ALLEN McMILLAN, J.D.  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: November 27, 2023  
Date of Mailing: November 29, 2023

---

<sup>1</sup> 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**

**FAILURE TO APPEAR**

OAL DKT. NO. EDU 05399-23

AGENCY DKT. NO. 165-6/23

**E.C.-G. ON BEHALF OF MINOR CHILD A.J.G.,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE  
CITY OF JERSEY CITY, HUDSON COUNTY,**

Respondent.

---

**E.C.-G., o/b/o A.J.G.** petitioner pro se

**Cherie L. Adams, Esq.,** for respondent Board of Education of the City of Jersey City  
(Adams, Gutierrez and Lattiboudere, attorneys)

Record Closed: September 21, 2023

Decided: October 25, 2023

BEFORE **GAIL M. COOKSON**, ALJ:

**STATEMENT OF THE CASE**

Petitioner E.C.-G. filed a Petition of Appeal electronically with the Department of Education on Sunday, June 18, 2023, and perfected it on June 20, 2023, seeking emergent relief against the Board of Education of the City of Jersey City (Jersey City or District) in the

form of an Order requiring the District to allow her son A.J.G. to graduate with a diploma and at the commencement ceremony scheduled for tomorrow, Friday, June 23, 2023.

### **PROCEDURAL HISTORY**

The Department of Education, Office of Controversies and Disputes (DOE), transmitted the Application for Emergent Relief to the Office of Administrative Law (OAL) on June 20, 2023. The matter was assigned to the undersigned for oral argument and was scheduled for June 22, 2023. On that date, I entered an oral decision on the record in order to facilitate expedited review by the Commissioner, which was then memorialized in a written Order of the same date, incorporated herein without the necessity of repetition. I denied the requested emergent relief and did not require the District to allow petitioner's son to graduate and participate in the ceremony in June. Instead, he was required to complete some credits over the summer, at which time he would receive his diploma.

Following the completion of the emergent aspects of this matter, I convened a status conference on August 21, 2023, in order to determine if the summer credits had been earned and petitioner's son had received his diploma in time for begin college. Petitioner confirmed that her son did receive his diploma and that there was no other relief she was seeking. She agreed that the rest of the petition would be withdrawn from the OAL. Accordingly, my office sent several reminders in August and September to petitioner that we were awaiting her written or electronic confirmation of her withdrawal of the case. We received no response from any of these requests.

### **CONCLUSIONS OF LAW**

N.J.A.C. 1:1-14.4(a) provides that if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition. Petitioner has failed to formally "withdraw" her petition but did so indicate on the telephonic conference call that she had no other issues needing to be tried. Based on

the foregoing facts and the applicable law, I **CONCLUDE** that petitioner E.C.-G. has abandoned this appeal and that it should be returned to the transmitting agency.

**ORDER**

Based upon the foregoing, it is **ORDERED** that the appeal filed by petitioner E.C.-G. for relief against the respondent Board of Education of the City of Jersey City be returned to the Department of Education for appropriate disposition.

I hereby **FILE** my 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.



October 25, 2023

DATE

GAIL M. COOKSON, ALJ

Date Received at Agency:

10/25/23

Date Mailed to Parties:

10/25/23

id