

98-23  
OAL Dkt. No. EDU 08430-22  
Agency Dkt. No. 176-7/22

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

Kedra Gamble,

Petitioner,

v.

Board of Education of the Borough of  
Bound Brook, Somerset 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.

In this case, the petitioner challenged the respondent Board's evaluation of her performance and subsequent non-renewal. The ALJ's Initial Decision reported that three telephone conferences were scheduled in this case, and petitioner was given proper notice of all three. Petitioner did not participate in a January 17, 2023, telephone conference and did not contact the OAL to explain why she was unable to do so. Another telephone prehearing conference was scheduled for February 22, 2023, and petitioner once again did not participate, nor did she contact the OAL to explain her absence.

The ALJ found that petitioner failed to appear for the scheduled telephone conferences and failed to file any explanation for her failure to appear. Accordingly, the ALJ determined that the petitioner has abandoned her appeal.

Upon review of the record of this matter, the Commissioner concurs with the ALJ that petitioner did not appear for scheduled telephone hearings and filed no explanation for her failure to do so. Accordingly, this matter is no longer deemed to be a contested case before the Commissioner and is hereby dismissed with prejudice.

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

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

Date of Decision: April 3, 2023

Date of Mailing: April 5, 2023

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<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**

**DISMISSAL**

OAL DKT. NO. EDU 08430-22

AGENCY DKT. NO. 176-7/22

**KENDRA GAMBLE**

Petitioner,

v.

**BOROUGH OF BOUND BROOK BOARD  
OF EDUCATION, SOMERSET COUNTY,**

Respondent.

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**Kendra Gamble** petitioner, pro se

**Robert J. Merryman, Esq.**, for respondent (Apruzzeese, McDermott, Mastro & Murphy, P.C., attorneys)

Record Closed: February 23, 2023

Decided: March 3, 2023

BEFORE **JOAN M. BURKE**, ALJ:

**STATEMENT OF THE CASE**

Petitioners challenge the respondent's, Borough of Bound Brook Board of Education, (Board or respondent) evaluation and non-renewal.

## **PROCEDURAL HISTORY AND FACTUAL DISCUSSION**

This matter was transmitted to the Office of Administrative Law (OAL), where it was filed on March 4, 2022. Petitioner participated in a pre-hearing conference on November 16, 2022. During the pre-hearing conference the parties agreed to have the next scheduled status conference on January 17, 2023. Notice of that telephone conference was emailed to petitioner and respondent on November 22, 2022.

## **LEGAL DISCUSSION AND CONCLUSIONS OF LAW**

Pursuant to N.J.A.C. 1:1-14.4(a),

If, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the Clerk or judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge shall, . . . direct the Clerk to return the matter to the transmitting agency for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

This matter was scheduled for three telephone conferences. Petitioner was given notice of all telephone conferences. All telephone prehearing notices contain the following language:

Failure to dial in for the telephone conference, will result in the file being returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.

Petitioner did not participate in the January 17, 2023, telephone conference and did not contact the OAL to explain why she was unable to do so.

Another telephone prehearing conference was scheduled to be heard on February 22, 2023. Proper notice of that telephone conference was emailed to the petitioner and respondent on January 26, 2023.

The petitioners did not participate in the February 22, 2023, telephone conference and did not contact the OAL to explain why she was unable to do so.

**CONCLUSION**

To date, the petitioner has not provided a request for an adjournment of the February 22, 2023, telephone conference or an explanation for her nonappearance for the same. Neither has this office received notice of legal representation on behalf of the petitioner. Therefore, I **CONCLUDE** that petitioner has failed to appear and abandoned her appeal.

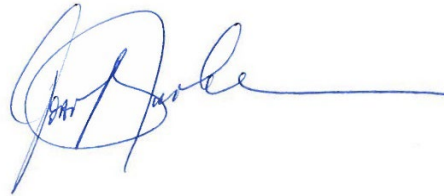
**ORDER**

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



March 3, 2023  
DATE

JOAN M. BURKE, ALJ

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

/tat