

124-26  
OAL Dkt. No. EDU 12497-25  
Agency Dkt. No. 120-4/25

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

D.A.,

Petitioner,

v.

Board of Education of the Town of Kearny,  
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 adopts the Initial Decision as the final decision in this matter for the reasons stated by the Administrative Law Judge.

Accordingly, the petition of appeal is hereby dismissed.

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



COMMISSIONER OF EDUCATION

Date of Decision: April 7, 2026  
Date of Mailing: April 7, 2026

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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 12497-25

AGENCY REF. NO. 120-4/25

**D.A.,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE TOWN  
OF KEARNY, HUDSON COUNTY,**

Respondent.

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**D.A.**, petitioner, pro se

**Kenneth J. Lindenfelser**, Esq., for respondent (Law Offices of Kenneth J. Lindenfelser, attorneys)

Record Closed: January 29, 2026

Decided: February 3, 2026

BEFORE **PATRICE E. HOBBS**, ALJ:

**STATEMENT OF THE CASE**

Petitioner, D.A. filed a report of harassment, intimidation and bullying (HIB) against another student for an incident that occurred at a school sanctioned event alleging that another student was verbally abusive to her because of her appearance under the Anti-

Bullying Bill of Rights Act, N.J.S.A. 18A:37-13, et seq. (ABBRA). Both students were eighteen at the time of the incident. On January 6, 2026, Petitioner filed a letter stating that she is entering into military service, that her mother, M.A., filed the appeal, and that M.A. will continue the appeal on her behalf. Must petitioner's appeal be dismissed? Yes, a party must have a palpable stake in the outcome of the litigation to have standing to pursue a case. Stubaus v. Whitman, 339 N.J. Super. 38, 47 (App. Div., 2001).

### **PROCEDURAL HISTORY**

On March 27, 2025, an incident occurred between petitioner and another student. at an off-campus crew practice. The other student made comments to petitioner based on her appearance while standing a couple of inches away from her. Petitioner called the police and filed a police report against the other student. On March 30, 2025, R.A. and M.A. on behalf of D.A. filed a report of HIB report. After a thorough investigation, respondent determined that the incident did not constitute HIB. The Superintendent reviewed the investigation and agreed with the finding. On May 19, 2025, Respondent held a board hearing. On June 11, 2025, the Board affirmed the investigative findings and the Superintendent's decision. On June 12, 2025, D.A. filed an appeal and the case was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case under N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F-1 to-13. On July 10, 2025, Respondent filed an Answer. On August 11, 2025, I held a prehearing conference. Petitioner advised she was withdrawing but no formal letter of withdrawal was received. On August 29, 2025, Respondent filed a motion to dismiss for failing to state a cause of action, for mootness and for failing to name an indispensable party. On October 6, 2025, I entered an order denying the respondent's motion to dismiss.

On October 16, 2025, and entered an order outlining the deadlines for a motion for summary decision. On November 14, 2025, respondent filed their motion for summary judgment. On January 6, 2026, I requested D.A. file her opposition to the motion. On January 6, 2026, D.A. filed an email/cover letter stating that she did not file this appeal, that the appeal was filed by M.A. on her behalf, that she is entering the military, and that her parents will be handling the case going forward. On January 15, 2026, I held a conference with the parties. D.A. did not appear. M.A. appeared identifying herself as

D.A.'s mother, and confirmed that D.A. did not file the appeal, that D.A. entered the military service, that D.A. cannot be reached while she is in boot camp and that M.A. would be pursuing this appeal on behalf of D.A. M.A. did not have any legal document appointing her as an agent for D.A. On January 29, 2026, respondent filed a letter requesting the case be dismissed and I closed the record.

### **FINDINGS OF FACT**

Based upon the testimony the parties provided, and my assessment of its credibility, together with the documents the parties submitted, and my assessment of their sufficiency, I **FIND** the following **FACTS**:

1. On March 27, 2025, D.A. was involved in an alleged HIB incident at a school sanctioned event. At that time, D.A. was eighteen years old.
2. On March 30, 20205, D.A. filed a HIB report with the Principal at Kearny High School.
3. On May 19, 2025, Respondent held a board hearing.
4. On June 11, 2025, the Board affirmed the investigative findings and the Superintendent's decision.
5. On June 12, 2025, an appeal was filed with the Commissioner of Education. On July 10, 2025, Respondent filed an Answer.
6. On January 6, 2026, D.A. sent a letter stating that she did not file this appeal, that it was filed by M.A. on her behalf, that D.A. is entering the military, and that M.A. will be handling the case going forward.
7. On January 15, 2026, D.A. did not call into the telephone conference.
8. M.A. is D.A.'s mother and filed the appeal on behalf of D.A.

9. D.A. is in boot camp and cannot be reached by any means unless there is an emergency.
10. M.A. will be pursuing this appeal on behalf of D.A.
11. M.A. does not have any legal document appointing her as D.A.'s agent to pursue any legal issues on her behalf.

### **CONCLUSIONS OF LAW**

A case or controversy is brought by an interested person who is defined as someone that is substantially, specifically, and directly affected by the outcome of a case. N.J.A.C. 6A:3-1.2. Without standing, an individual cannot bring a case. Standing is a central issue in every case. Standing is a threshold justiciability determination about whether a party can bring an action before a court. Stubaus v. Whitman, 339 N.J. Super. 38, 47 (App. Div., 2001). A party must be in a position adverse to other parties, have a palpable stake in the outcome of the litigation, and be likely to suffer harm in the event of an unfavorable decision. Ibid. To have standing, a complaining party must demonstrate "some measurable amount of detrimental impact on the complaining party's personal rights." S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision, (Oct. 7, 2003) (citing, Salorio v. Glaser, 82 N.J. 482, 491 (1998)). A deficiency in standing is fatal to a petition such as the one at issue here. "The dismissal of cases brought by litigants who will not be effected by the outcome in a direct and meaningful way is required by this regulation." S.J. v. Mountain Lakes Bd. of Educ., EDU 7081-03, Initial Decision, (Oct. 7, 2003) (citing, S.R. and E.D.R. o/b/o E.D.R., Jr. v. Montague Bd. of Educ., EDU 5300-03, 201 AGEN LEXIS 583 (Oct. 3, 2001)).

D.A. was eighteen years old at the time of the incident. D.A. is the only person who can bring her case against the Commissioner. D.A. has specifically stated that she did not file the appeal in this case, that she does not intend to further pursue this case, that she is not available to pursue the case as she is in boot camp and that her mother, M.A. will be continuing the case in her absence. M.A. has not produced any legal documentation that appoints her as D.A.'s agent. M.A. will not be substantially or directly

affected by the outcome of the case because this case involves an allegation of HIB against D.A. M.A. does not have standing to pursue the case on D.A.'s behalf. Therefore, I **CONCLUDE** that the petition of appeal must be **DISMISSED**.

**ORDER**


Based upon the foregoing, it is **ORDERED** that the appeal 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**. Exceptions may be filed by email to [ControversiesDisputesFilings@doe.nj.gov](mailto:ControversiesDisputesFilings@doe.nj.gov) or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.

February 3, 2026  
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DATE

  
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**PATRICE E. HOBBS, ALJ**

Date Received at Agency: February 3, 2026  
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Date Mailed to Parties: February 3, 2026  
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