

222-26
OAL Dkt. No. EDU 21579-25
Agency Dkt. No. 392-11/25

New Jersey Commissioner of Education
Final Decision

C.M., on behalf of minor children, A.M., E.M.,
and P.M.,

Petitioner,

v.

Board of Education of the Township of
Deerfield, Cumberland 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.

Petitioner appealed the Deerfield Township Board of Education's (Board) determination that he and his children did not reside in Deerfield Township, and that the children were therefore not entitled to a free public education in the district. The Board opposed the appeal and sought reimbursement for the costs of tuition during the time the children were ineligible to attend school in the district.

Following an initial conference call on February 26, 2026, in which both parties participated, petitioner failed to appear for a call scheduled for April 14, 2026. The ALJ rescheduled the call two more times, but petitioner failed to appear each time. The record reflects that all notices were sent to petitioner's correct email address, which he used to file his

petition of appeal and communicate with the Office of Controversies and Disputes and the OAL. After petitioner's third failure to appear, and his failure to provide an explanation for same, the ALJ dismissed his petition of appeal pursuant to *N.J.A.C. 1:1-14.4(a)*. The ALJ noted that the Board had withdrawn its counterclaim for tuition reimbursement.

Following the issuance of the Initial Decision, petitioner did not file exceptions or an explanation for his failure to appear. Accordingly, petitioner's residency appeal is hereby dismissed.

IT IS SO ORDERED. ¹


COMMISSIONER OF EDUCATION

Date of Decision: June 25, 2026
Date of Mailing: June 25, 2026

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

FAILURE TO APPEAR

OAL DKT. NO. EDU 21579-25

AGENCY DKT. NO. 392-11/25

C.M. ON BEHALF OF MINOR CHILDREN

A.M., E.M., AND P.M.,

Petitioners,

v.

TOWNSHIP OF DEERFIELD BOARD OF

EDUCATION, CUMBERLAND COUNTY,

Respondent.

C.M., petitioner, pro se

Mark G. Toscano, Esq., for respondent (Comegno Law Group, P.C., attorneys)

Record Closed: May 11, 2026

Decided: May 27, 2026

BEFORE **TAMA B. HUGHES**, ALJ:

STATEMENT OF THE CASE

C.M. (petitioner), on behalf of his minor children, A.M., P.M., and E.M., appealed the residency determination of the Board of Education of the Township of Deerfield (Board

or respondent). The Board answered the petition and filed a counterclaim demanding tuition repayment for the 2025/2026 school year.

PROCEDURAL HISTORY

By Memorandum dated October 21, 2025, petitioner was served with a Notice of Initial Determination of Ineligibility for E.M., P.M., and A.M., to attend school in the Deerfield Township School District. The notice advised that on October 21, 2025, the Board determined that petitioner and his family no longer resided in the district. (Respondent Answer and Counterclaim, Exhibit 2.) By Memorandum dated November 13, 2025, petitioner was served with a Notice of Final Determination. The noticed advised that on November 13, 2025, the Board determined that E.M., P.M., and A.M. were no longer eligible for enrollment in the district because they no longer resided at XXX Lebanon Road, Bridgeton, in Deerfield Township.

On November 14, 2025, petitioner filed an appeal of the Board's determination to the Department of Education, Office of Controversies and Disputes. On December 2, 2025, respondent filed an Answer and a Counterclaim seeking tuition reimbursement for the 2025/2026 academic year for all three children. On or about December 8, 2025, the matter was transmitted to the Office of Administrative Law to be heard as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 14F-1 to -13.

On January 14, 2026, the matter was assigned to me. An initial call took place on February 26, 2026, with both parties participating. At the time of the call, petitioner requested additional time to retain counsel. Both parties were verbally told what the next call date was (March 25, 2026) and the time. The parties were also provided written notice on February 27, 2026. Petitioner's notice was emailed to his confirmed email address, which was the same email address that he had provided on his appeal paperwork. On March 25, 2026, petitioner requested an adjournment of the status call due to a medical emergency.

The matter was rescheduled to April 14, 2026. Notice for the status call was sent to petitioner's email address on March 25, 2026. On April 14, 2026, petitioner failed to

appear (FTA). The matter was rescheduled for April 27, 2026. Notice for the status call was sent to petitioner's email address on April 15, 2026. At the bottom of the notice, petitioner was advised that "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." See April 27, 2026, status call notice. On April 27, 2026, petitioner was again an FTA.

The matter was again rescheduled—this time to May 8, 2026. Notice for the call was sent out on April 28, 2026, and again stated: "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." See May 8, 2026, status call notice. Petitioner was again an FTA on May 8, 2026. His FTA was placed on the record.

As a result of petitioner's abandonment of his appeal, the sole remaining issue in this matter was the Board's cross motion for tuition reimbursement. Based upon counsel's representation, it appears that petitioner failed to file an Answer to the Counterclaim. As such, by letter dated May 14, 2026, the Board was asked to provide supplemental documentation verifying/certifying the annual cost per student for A.M., E.M., and P.M. for the 2025/2026 school year, per diem rates, and dates of ineligible attendance for each child. See May 14, 2026, Letter.

On May 15, 2026, counsel for the Board notified petitioner and me that the Board was withdrawing its Counterclaim. See May 15, 2026, email.

Other than petitioner's request to adjourn the March 25, 2026, status call, petitioner has not contacted the OAL seeking an adjournment of any of the status calls or provided an explanation for his failure to appear.

LEGAL ANALYSIS

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, unless proceeding pursuant to (d) below, 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).
- (b) If the nonappearing party submits an explanation in writing, a copy must be served on all other parties and the other parties shall be given an opportunity to respond.
- (c) If the judge receives an explanation:
 - 1. If the judge concludes that there was good cause for the failure to appear, the judge shall reschedule the matter for hearing; or
 - 2. If the judge concludes that there was no good cause for the failure to appear, the judge may refuse to reschedule the matter and shall issue an initial decision explaining the basis for that conclusion, or may reschedule the matter and, at his or her discretion, order any of the following:
 - i. The payment by the delinquent representative or party of costs in such amount as the judge shall fix, to the State of New Jersey or the aggrieved person;
 - ii. The payment by the delinquent representative or party of reasonable expenses, including attorney's fees, to an aggrieved representative or party; or
 - iii. Such other case-related action as the judge deems appropriate.
- (d) If the appearing party requires an initial decision on the merits, the party shall ask the judge for permission to present ex parte proofs. If no explanation for the failure to appear is received, and the circumstances require a decision on the merits, the judge may enter an initial

decision on the merits based on the ex parte proofs, provided the failure to appear is memorialized in the decision.

I **CONCLUDE** that petitioner was provided with appropriate notices of all of the scheduled proceedings, namely the telephonic status conferences on April 14, 2026, April 27, 2026, and May 8, 2026.

Based upon petitioner's repeated failure to participate in the scheduled status calls despite having received notice, I **CONCLUDE** that petitioner has abandoned his appeal by his failure to participate. A plain reading of N.J.A.C. 1:1-14.4(a), therefore, requires that the matter now be returned to the transmitting agency for appropriate disposition. See also N.J.A.C. 1:1-3.3(b).

With the withdrawal of the Board's crossclaim, all issues have been resolved.

ORDER

Based upon the foregoing, it is hereby **ORDERED** that C.M.'s appeal is dismissed.

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.

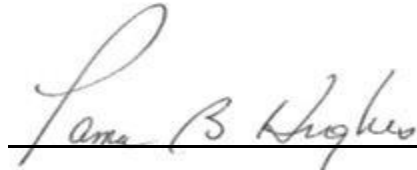
Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies 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.

May 27, 2026

DATE



TAMA B. HUGHES, ALJ

Date Received at Agency:

Date Mailed to Parties:

TBH/dc