EDU #7229-02
  C # 64-04
  SB # 15-04

E.C., on behalf of minor, D.B.,   :

     PETITIONER-APPELLANT,   :

V.   :   STATE BOARD OF EDUCATION

BOARD OF EDUCATION OF THE   :   DECISION
TOWNSHIP OF UNION, UNION
COUNTY,   :

     RESPONDENT-RESPONDENT. :
_____

Decided by the Commissioner of Education, February 23, 2004

For the Petitioner-Appellant, Francis O. Obi, Esq.

For the Respondent-Respondent, Apruzzese, McDermott, Mastro & Murphy (John P. Harrington, Esq., of Counsel)

The appellant, E.C., filed a petition of appeal with the Commissioner of Education challenging the determination by the Union Township Board of Education that her son, D.B., was not entitled to a free public education in the district. On February 23, 2004, the Commissioner dismissed the petition, concluding that the appellant and her son were not domiciled in Union. He directed the appellant to reimburse the Union Board for tuition in the amount of $31,847.16 for the period of D.B.'s ineligible attendance.

On March 24, 2004, the appellant filed a notice of appeal with the State Board.

Pursuant to N.J.A.C. 6A:4-1.11(a), the appellant's brief in support of her appeal was due on April 13, 2004, 20 days after she filed her notice of appeal. The appellant,

however, failed to file a brief by that date. By letter dated April 19, 2004, the Director of the State Board Appeals Office notified counsel for the appellant of his failure to file a brief and informed him that this matter was being referred to the Legal Committee of the State Board for consideration of the appellant's failure to perfect the appeal.

Counsel for the appellant has still failed to file a brief in support of the appeal. Nor has he offered any explanation for such failure or requested an extension of time. As a result, we dismiss the appeal in this matter for failure to perfect. N.J.A.C. 6A:4-1.12(a). See Paszamant v. Board of Education of the Borough of Highland Park, decided by the State Board of Education, April 1, 1992, aff'd, Docket #A-4812-91-3 (App. Div. 1993).

June 2, 2004

Date of mailing _____