

EDU #01854-03
C # 128-05
SB # 37-05

A.O.L., on behalf of minor children, :
A.L., A.L. and J.L., :
PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION
V. :
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION
OF BLOOMFIELD, ESSEX COUNTY, :
RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, April 8, 2005

For the Petitioner-Appellant, Bianchi & Bianchi, LLC (Angelo R. Bianchi,
Esq., of Counsel)

For the Respondent-Respondent, Gaccione, Pomaco & Malange (Mark A.
Wenczel, Esq., of Counsel)

After a thorough review of the record, including the transcript from the hearing held in the Office of Administrative Law on November 17, 2004 and the reconstructed record of the hearing held on December 14, 2004, we affirm the decision of the Commissioner of Education for the reasons expressed therein. We agree with the Commissioner that the appellant has not demonstrated that his children were domiciled with him in Bloomfield during the 2002-03 school year. We find further support for the Commissioner's determination in the Amended Dual Final Judgment of Divorce between the appellant and his ex-wife dated November 21, 2002. That Order incorporated a Property Settlement Agreement dated November 19, 2002, which was

signed by the appellant and his ex-wife on November 11 and November 19, 2002 respectively, which expressly stated that the children were “now in the custody of Wife.” Exhibit P-4, in evidence.

We deny the appellant’s request for oral argument as not necessary for a fair determination of this matter. N.J.A.C. 6A:4-3.2.

May 3, 2006

Date of mailing _____