



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 07497-18

AGENCY DKT. NO. 2018-27680

C.C. ON BEHALF OF G.C.,

Petitioner,

v.

OLD BRIDGE TOWNSHIP

BOARD OF EDUCATION,

Respondent.

No appearance from C.C., parent of G.C.

Caitlin Lundquist, Esq., for respondent (The Busch Law Group, attorneys)

Record Closed: August 9, 2018

Decided: August 9, 2018

BEFORE **CAROL I. COHEN, ALJ:**

STATEMENT OF THE CASE

Petitioner failed to appear for the in-person settlement conference in this matter. She sent an email on August 9, 2018 at 8:13 a.m., saying that she needed to reschedule the hearing due to a family emergency and requested that the matter be rescheduled for a date in October. Prior to this request the Petitioner had requested an adjournment of the July 12, 2018 settlement conference date due to an emergency

doctor's appointment. The judge sent an email and left a message on August 9, 2018 at approximately 9:15 a.m., saying that the adjournment was not granted. The Petitioner failed to respond or appear. Under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14.

PROCEDURAL HISTORY

On March 19, 2018, petitioner filed a petition for due process with the Department of Education, Office of Special Education. Respondent proposed a resolution session to be held on April 6, 2018, and the parties participated in the session on April 20, 2018. The matter did not resolve and the parties participated in an OSEP mediation on May 18, 2018, which was unsuccessful. The matter was then transmitted to the OAL.

On May 23, 2018, the Office of Special Education transmitted the case to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.5. The matter was scheduled for an in-person settlement conference on June 14, 2018. The Board was unavailable on that date and it was adjourned with the consent of the petitioner. The matter was rescheduled for July 12, 2018, but was adjourned due to the petitioner's representation that she had an emergency doctor's appointment. The matter was rescheduled for August 9, 2018. The Petitioner requested an adjournment of the August 9 date on the morning of the conference, claiming a family emergency. The adjournment was not granted. The respondent appeared on August 9, 2018 and moved for dismissal of the petitioner's Due Process petition due to Petitioner's failure to appear.

CONCLUSIONS OF LAW

For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14. In this case, petitioner failed to appear for the hearing of this case after she was given notice and told that an adjournment would not be granted. . Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed under the authority granted to me by N.J.A.C. 1:1-14.14.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that this case be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2017) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516 (2017). If the parent or adult student feels that this decision is not being fully implemented with respect to program or services, this concern should be communicated in writing to the Director, Office of Special Education Programs.



August 9, 2018 _____

DATE

CAROL I. COHEN, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

db