



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION

(Dismissal for Failure to Appear)

OAL DKT. NO. EDS 17161-18

AGENCY DKT. NO. 2019-28979

B.S. ON BEHALF OF D.S.,

Petitioner,

v.

ELIZABETH BOARD OF EDUCATION,

Respondent.

B.S., Petitioner, pro se

Richard Flaum, Esq., for Respondent (DiFrancesco, Bateman, Coley, Yospin,
Kunzman, Davis & Lehrer, P.C., attorneys)

Record Closed: February 6, 2019

Decided: February 13, 2019

BEFORE **ELISSA MIZZONE TESTA**, ALJ:

This case, which arises under the Individuals with Disabilities Education Act, 20 U.S.C.A. §§1401 to 1484(a) and C.F.R. §§300.500, was transmitted to the Office of Administrative Law for hearing and final decision on November 30, 2018.

A hearing was scheduled for February 5, 2019, notice of which was sent to the petitioner by the Office of Administrative Law on January 18, 2019. Several voice mail

messages were also left on the petitioner's answering machine informing her of the hearing date and requesting that she call chambers to confirm her availability.

On the day of hearing petitioner did not appear. To date, petitioner has not explained her nonappearance. Accordingly, the petition must be **DISMISSED** for failure to pursue a claim of action under N.J.A.C. 1:1-14.4.

ORDER

I **ORDER** that the petition be **DISMISSED**.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2009) 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.A. § 1415(i)(2); 34 C.F.R. § 300.516 (2009). 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.

February 13, 2019



DATE

ELISA MIZZONE TESTA, ALJ

Date Received at Agency

February 13, 2019

Date Mailed to Parties:

sej