



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION

DISMISSAL FOR FAILURE TO

APPEAR AND RESPOND

OAL DKT. NO. EDS 16474-17

AGENCY DKT. NO. 2018-27017

S.D. ON BEHALF OF Z.O.,

Petitioner,

v.

MONROE TOWNSHIP BOARD OF

EDUCATION,

Respondent.

S.D., petitioner, pro se

John J. Armano, Jr., Esq., for respondent (Trimble and Armano, attorneys)

Record Closed: December 14, 2017

Decided: January 2, 2018

BEFORE **LISA JAMES-BEAVERS**, Deputy Director and ALJ:

On September 1, 2017, petitioner filed a due process complaint with the Department of Education, Office of Special Education Programs on behalf of the minor child Z.O., disputing the Individualized Education Program (IEP), program and placement proposed by respondent Monroe Township Board of Education (Board). On October 4, 2017, a mediation conference was held and petitioner requested that the matter be transmitted to the Office of Administrative Law (OAL) for a due process

hearing. The OAL received the matter on November 3, 2017 and an initial hearing was scheduled and held on November 21, 2017. Another hearing was scheduled for December 7, 2017. On that date, petitioner failed to appear. On December 12, 2017, a letter was emailed to petitioner requesting written explanation by December 14, 2017 of why she did not appear for the December 7, 2017 hearing and informing her that failure to do so may result in the dismissal of her case. To date, I have received no further communication from petitioner.

Accordingly, it is **ORDERED** that this appeal be and is hereby **DISMISSED** for petitioner's failure to responsibly appear and adequately respond in the matter.

This decision is final pursuant to 20 U.S.C.A. § 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.A. § 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.

January 2, 2018 _____

DATE



LISA JAMES-BEAVERS
Deputy Director and
Administrative Law Judge

Date Received at Agency _____

Date Mailed to Parties: _____

cmo