



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

**(Dismissal for Failure to Appear)**

OAL DKT. NO. EDS09660-21

AGY REF NO. 2022/33529

**N.B. AND C.B. ON BEHALF OF M.D.,**

Petitioner,

v.

**UNION TOWNSHIP BOARD OF EDUCATION,**

Respondent

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**N.S.** and **C.B.** parents of **M.D.**, Petitioners, pro se

**Shifra Tarica**, Esq., for Respondent (Florio, Perrucci, Steinhardt, Cappelli, Tipton and Taylor, LLC, attorneys)

Record Closed: April 13, 2022

Decided: April 21, 2022

BEFORE **THOMAS R. BETANCOURT**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

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 (OAL) for hearing and final decision on November 24, 2021.

A Zoom hearing was scheduled for April 13, 2022, at 9:00 a.m., notice of which was sent to the petitioners and counsel for the Board on March 16, 2022. On April 12, 2022, Petitioners, via email, advised the Court that they would not be logging into the Zoom hearing on April 13, 2022. On that same date, my assistant advised petitioner via email that I would open the Zoom hearing as scheduled, should petitioner not log into the hearing at 9:00 am. the subject matter would be marked as a failure to appear and that the file would be returned to OSE. Counsel for the Board and their representative timely logged in, petitioners did not.

Accordingly, the petition must be **DISMISSED** for failure to appear 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. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2019) 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 (2019). 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 Policy and Dispute Resolution.



April 21, 2022  
\_\_\_\_\_  
DATE

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**THOMAS R. BETANCOURT, ALJ**

Date Received at Agency \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

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