



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

OAL DKT. NO. EDS 04935-21

AGENCY DKT. NO. 2021-32754

D.B. ON BEHALF OF A.B.,

Petitioner,

v.

GLOUCESTER TOWNSHIP

BOARD OF EDUCATION,

Respondent.

D.B., petitioner, pro se

Brett E.J. Gorman, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: April 28, 2023

Decided: June 12, 2023

BEFORE **JUDITH LIEBERMAN**, ALJ:

STATEMENT OF THE CASE

Petitioner, D.B., on behalf of student A.B., filed this due process petition in which he sought an extended school year and Orton Gillingham reading instruction.

In October and November 2022, multiple attempts were made to communicate with petitioner. Because petitioner did not respond, a hearing was scheduled for January 3, 2023. Petitioner failed to appear for that hearing. The matter was rescheduled to April

28, 2023. Petitioner failed to appear for that hearing. To date, no letter of explanation has been received from petitioner regarding his failure to respond to communications or to appear for scheduled events.

Petitioner has not forwarded either a letter of withdrawal, a request to move forward to a hearing, or information regarding settlement discussions. Counsel for respondent has advised that petitioner no longer resides in the school district that is the subject of this petition.

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

Because the petitioner has failed to appear for all scheduled appearances and has not contacted the Office of Administrative Law to address these failures, I **CONCLUDE** that petitioner has abandoned his appeal.

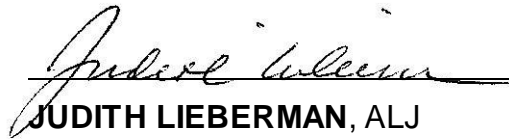
ORDER

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

This decision is final under 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2023) and is appealable by filing a complaint and bringing a civil action 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 (2016). If the parent or adult student believes that this decision is not being fully implemented with respect to any program or service, then this concern should be communicated, in writing to the Director of the Office of Special Education.

June 12, 2023

DATE


JUDITH LIEBERMAN, ALJ

Date Received at Agency

Date Mailed to Parties:

JL/jm