



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION DISMISSAL

OAL DKT. NO. EDS 02929-22

AGENCY DKT. NO. 2022-34027

W.B. AND E.B. ON BEHALF OF X.B.,

Petitioners,

v.

PISCATAWAY TOWNSHIP

BOARD OF EDUCATION,

Respondent.

W.B. and E.B., petitioners on behalf of X.B., pro se

David B. Rubin, Esq., for respondent (Busch Law Group, LLC, attorneys)

BEFORE **JEFFREY N. RABIN**, ALJ:

Record Closed: September 7, 2022

Decided: March 22, 2023

This matter was transmitted to the Office of Administrative Law (OAL), where it was filed on April 13, 2022, as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

A settlement conference was held on April 25, 2022, before Mary Ann Bogan, ALJ. The matter did not settle and was assigned to the undersigned. A telephone prehearing was held on May 2, 2022, at which time another telephone hearing was scheduled for

May 10, 2022. Petitioners did not appear for that call. Another call was scheduled for June 21, 2022, and petitioners again did not appear. A new notice was emailed to the parties on June 26, 2022, scheduling another telephone hearing for September 7, 2022, with a message to the petitioners stating that if they intended to withdraw the petition that the judge would need a formal withdrawal letter. No response to that email has been received to date. Neither party dialed into the September 7, 2022, call.

The petitioners failed to appear for three telephone hearings, without any notice to this court or explanation of good cause for having missed said telephone hearings. I therefore **CONCLUDE** that petitioners have abandoned their appeal.

ORDER

It is hereby **ORDERED** that this appeal be **DISMISSED**.

I hereby **FILE** this initial decision with the **DIRECTOR, OFFICE OF SPECIAL EDUCATION** for consideration.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2022) 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 (2022). 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.

March 22, 2023
DATE



JEFFREY N. RABIN, ALJ

Date Received at Agency:

March 22, 2023

Date Mailed to Parties:

March 22, 2023

JNR/dw