



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

OAL DKT. NO. EDS 09996-22

AGENCY DKT. NO. 2023-34983

**Z.P. ON BEHALF OF W.P.,**

Petitioner,

v.

**WILLINGBORO TOWNSHIP**

**BOARD OF EDUCATION,**

Respondent.

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**No appearance from Z.P.**

**Emily E. Strawbridge**, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: March 27, 2023

Decided: March 28, 2023

BEFORE **LESLIE Z. CELENTANO**, ALJ:

**STATEMENT OF THE CASE**

Petitioner failed to appear for the zoom settlement conference in this matter. For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14.

### **PROCEDURAL HISTORY**

On September 21, 2022, petitioner filed a petition for due process with the Department of Education, Office of Special Education.

On November 7, 2022, the Office of Special Education transmitted the case to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.5. The matter was scheduled for a zoom settlement conference on March 27, 2023.

### **FINDINGS OF FACT**

On March 27, 2023, petitioner did not appear for the zoom settlement conference. Respondent, however did appear. To date, petitioner has not contacted this tribunal to explain why.

### **CONCLUSIONS OF LAW**

For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14. In this case, petitioner failed to appear for the hearing of this case after she was given notice, and to date, has still not contacted this tribunal to explain why. Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed under the authority granted to me by N.J.A.C. 1:1-14.14.

### **ORDER**

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

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 28, 2023

DATE



LESLIE Z. CELENTANO, ALJ

Date Received at Agency

March 28, 2023

Date Mailed to Parties:

March 28, 2023

dr