

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

FAILURE TO APPEAR

OAL DKT. NO. EDS 16956-14

AGENCY DKT. NO. 2015 22063

C.V. ON BEHALF OF R.P.,

Petitioner,

v.

TRENTON BOARD OF EDUCATION,

Respondent.

No appearance by or on behalf of the petitioner

Cherie L. Adams, Esq., for respondent (Adams, Gutierrez & Lattiboudere, LLC,
attorneys)

Record Closed: January 8, 2015

Decided: January 9, 2015

BEFORE JOHN SCHUSTER III, ALJ:

The Office of Special Education Programs (OSEP) transmitted this matter to the Office of Administrative Law (OAL), where it was filed on December 26, 2014. The matter was scheduled for hearing at the Trenton office of the OAL on January 8, 2015. On January 8, 2015, at the designated hearing commencement time the attorney for the respondent, Board of Education was present but petitioner did not appear. An attempt was made to contact petitioner at the phone numbers provided. The caller was advised petitioner was not at her place of employment and her cell phone number was

no longer in service. Because of petitioner's failure to attend the hearing no hearing was conducted.

As a result of petitioner's failure to appear for the hearing, I **FIND** and **CONCLUDE** that the petition should be dismissed without prejudice.

This decision is final pursuant to 20 U.S.C.A. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2012) 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 (2012). 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.

January 9, 2015

DATE

JOHN SCHUSTER III, ALJ

Date Received at Agency

Date Mailed to Parties:

/cad