

#565-11

V.M. on behalf of minor child, C.J., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF ORANGE, ESSEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

In May 2011, the petitioner filed a *pro se* residency appeal on behalf of her minor child, C.J., contending that the family was homeless and living with V.M.'s son in Orange. A hearing at the Office of Administrative Law (OAL) was scheduled for October 6, 2011, but petitioner failed to appear despite having received appropriate notice. She provided no explanation for her nonappearance.

Accordingly, the OAL returned the file to the Commissioner, and the petition was dismissed with prejudice.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

December 16, 2011

OAL DKT. NO. EDU 6958-11
AGENCY DKT. NO. 107-5/11

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PETITIONER, :
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The record for this matter, the Office of Administrative Law's (OAL) notice memorializing petitioner's failure to appear at the hearing on October 6, 2011, and a copy of the notification sent to the parties by the OAL on July 14, 2011, informing them of the date of hearing, have been reviewed. It is noted that the OAL hearing notice was sent to the address petitioner entered on her petition.

The Administrative Law Judge (ALJ) held the matter for several days after the hearing to give petitioner the opportunity to offer an explanation for her nonappearance - pursuant to *N.J.A.C.* 1:1-14.4(a). Having received no explanation from petitioner during the month following the hearing date, the ALJ returned the file to the Commissioner and sent petitioner a notice dated November 9, 2011 advising that she had thirteen days to provide the Commissioner with an explanation for her non-appearance.

There being no explanation filed with the Commissioner, this matter is no longer deemed to be a contested case before the Commissioner and is accordingly hereby dismissed with prejudice.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 16, 2011

Date of Mailing: December 16, 2011

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)