

#484-07 (OAL Decision: Not yet available on-line)

D.G., Sr., on behalf of D.G., Jr.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP	:	DECISION
OF WEST ORANGE, ESSEX COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioner filed a residency appeal on behalf of his son, a 12th grader in West Orange schools. The respondent sought reimbursement of tuition for the period of D.G. Jr.'s ineligible attendance, January to June 2007. Petitioner failed to appear at a November 2007 hearing, at which respondent presented testimony pertaining to the cost of the education provided D.G. by the Board.

The ALJ found that: petitioner failed to prosecute his appeal, leaving no basis to consider overturning the residency determination of the respondent Board, and respondent's proofs as to ineligibility and tuition rate were convincing and satisfy its burden of proof for the counterclaim. The ALJ concluded that petitioner must pay the respondent tuition in the amount of \$7,751 for the period from January 18 through June 20, 2007.

The Commissioner concurred with the ALJ, adopted the Initial Decision as the final decision in this matter, ordered petitioner to compensate the Board for tuition owed in the amount of \$7,751, and dismissed the petition.

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 19, 2007

OAL DKT. NO. EDU 7231-07
AGENCY DKT. NO. 127-5/07

D.G., Sr., on behalf of D.G., Jr., :
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 PETITIONER, :
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon a full and independent review, the Commissioner concurs with the Administrative Law Judge that petitioner's appeal is appropriately dismissed for failure to prosecute and the Board's counterclaim for tuition is appropriately granted.

Accordingly, the recommended decision of the OAL is adopted for the reasons articulated therein. Petitioner is hereby directed to compensate the Board in the amount of \$7,751.00 for the period of D.G., Jr.'s ineligible attendance in the Board's schools (January 18, 2007 to June 20, 2007, a total of 100 days, @ \$77.51 per day). The instant petition of appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 19, 2007

Date of Mailing: December 19, 2007

* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*