

D.R., on behalf of minor children, :
J.R. AND J.R., :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF :
 THE TOWNSHIP OF EWING, : DECISION
 MERCER COUNTY, :
 :
 RESPONDENT. :
 :

SYNOPSIS

Petitioning parent contested the Board's residency determination. Board contended the petition was filed untimely.

ALJ found that the Board's motion to dismiss on the basis of untimeliness had to be granted as the petition was filed out of time; petitioner had shown the judge no good cause as to why the time should be enlarged; and petitioner had not complied with any direction given by the judge. Petition was dismissed.

Commissioner adopted findings and determination in initial decision as his own.

OAL DKT. NO. EDU 10227-98
AGENCY DKT. NO. 396-9/98

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon his careful and independent review of this matter, the Commissioner concurs with the determination of the Administrative Law Judge, that, based upon the facts existing in this matter, the Board's motion to dismiss the within Petition of Appeal as untimely is appropriately granted.

Accordingly, the recommended decision of the OAL is adopted for the reasons stated therein and the within Petition of Appeal is hereby dismissed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

March 10, 1999

* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.