

#348-11

R.S. on behalf of minor child I.N., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
BOROUGH OF LAKEHURST,  
OCEAN COUNTY, :  
RESPONDENT. :

---

SYNOPSIS

In March 2011, the petitioner filed a *pro se* residency appeal on behalf of her minor child, I.N., contending that the family did in fact live in Lakehurst. A hearing in the matter was scheduled for July 8, 2011 at the Office of Administrative Law (OAL). Petitioner received appropriate notice of the hearing, but failed to appear and provided no explanation for her nonappearance. Having received no explanation from the petitioner for her non-appearance, the OAL returned the file to the Commissioner.

There being no explanation filed, the Commissioner ordered I.N. disenrolled from respondent's school district and dismissed the petition.

<p>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.</p>
---

August 29, 2011

OAL DKT. NO. EDU 4313-11  
AGENCY DKT. NO. 61-3/11

R.S. on behalf of minor child I.N., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE : DECISION  
BOROUGH OF LAKEHURST, :  
OCEAN COUNTY, :  
RESPONDENT. :

---

The notice from the Office of Administrative Law (OAL), memorializing the petitioner’s failure to appear at the July 8, 2011 OAL hearing, and the record of this matter – including a copy of the notification sent to the parties by the OAL on May 18, 2011, informing them that the hearing in this matter would be held on July 8, 2011 – have been reviewed. It is noted that the OAL hearing notice was sent to the address petitioner entered on her petition.

The above referenced July 14, 2011 notice from the OAL to the parties 1) recited that petitioner had failed to appear at the July 8, 2011 hearing, 2) explained that the matter would be transmitted back to the Department of Education, and 3) advised petitioner that if she desired to offer an explanation for her failure to appear, it would be necessary to submit same in writing to the Commissioner within thirteen days.

The thirteen day period has expired and petitioner has offered no explanation for her nonappearance on July 8, 2011. Accordingly, the petition is dismissed and petitioner’s minor

child is disenrolled from respondent's school district. As respondent filed no counterclaim, no tuition is due.

IT IS SO ORDERED. <sup>1</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 29, 2011

Date of Mailing: August 30, 2011

---

<sup>1</sup> 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*)