



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DISMISSAL

OAL DKT. NO. EDS 08924-23

AGENCY DKT. NO. 2024-36334

M.R. ON BEHALF OF D.E.,

Petitioner,

v.

**EAST BRUNSWICK TOWNSHIP BOARD OF
EDUCATION,**

Respondent.

M.R., petitioner, pro se

Jodi S. Howlett, Esq., for respondent (Cleary, Giacobbe, Alfieri & Jacobs, LLC,
attorneys)

Record Closed: October 3, 2023

Decided: October 11, 2023

BEFORE **JUDITH LIEBERMAN**, ALJ:

STATEMENT OF THE CASE

Petitioner, M.R., on behalf of student D.E., filed this due process petition in which she sought replacement of D.E.'s helmet and face shield to prevent self-injurious behavior.

A telephone settlement conference was scheduled to be conducted September 22, 2023, before Hon. Kathleen Calemno, ALJ. Petitioner did not appear for the conference. The matter was subsequently referred to me for a hearing. On September 24, 2023, a notice was issued for a hearing on October 2, 2023, at 4:00, p.m. The notice provided the dial-in information the parties were to use to participate. Petitioner did not appear for the hearing. To date, this notice has not been returned to this office as undeliverable. Also, to date, petitioner has not submitted a letter of explanation regarding her failure to appear for either scheduled event. She has not otherwise communicated with the Office of Administrative Law about this matter.

N.J.A.C. 1:1-14.4(a) provides that, if, after appropriate notice, a party does not appear in any proceeding scheduled by a judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the non-appearance within one day, the judge may direct the Clerk to return the matter to the transmitting agency for appropriate disposition.

Because the petitioner has failed to appear for two scheduled appearances and has not contacted the Office of Administrative Law to address these failures, I **CONCLUDE** that she has abandoned her appeal.


ORDER

Given my findings of fact and conclusions of law, I **ORDER** that this case be **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(i)(1)(A) and 34 C.F.R. § 300.514 (2022) 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. § 1415(i)(2); 34 C.F.R. § 300.516 (2022). 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.

October 11, 2023 _____

DATE



JUDITH LIEBERMAN, ALJ

Date Received at Agency _____

Date Mailed to Parties: _____

JL/mg/lam