



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

DISMISSAL

OAL DKT. NO. EDS 10480-23

AGENCY DKT. NO. 2024-36416

G.B. ON BEHALF OF M.P.,

Petitioner,

v.

**WINSLOW TOWNSHIP BOARD
OF EDUCATION,**

Respondent.

G.B., petitioner, pro se

Dan H. Long, Esq., for respondent (Wade & Wood, LLC, attorneys)

Record Closed: October 11, 2023

Decided: October 16, 2023

BEFORE **JOSEPH A. ASCIONE**, ALJ t/a:

STATEMENT OF THE CASE

Petitioner failed to appear for the hearing of this case and failed to contact this tribunal to explain why. This matter should be dismissed for the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative

Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14.

PROCEDURAL HISTORY

On August 25, 2023, petitioner filed a petition for due process with the Department of Education, Office of Special Education.

On October 6, 2023, the Office of Special Education transmitted the case to the Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.5.

On October 6, 2023, the Office of Administrative Law (OAL) had scheduled the hearing via Zoom teleconference for October 10, 2023, at 1:00 p.m. As petitioner failed to appear.

FINDINGS OF FACT

Petitioner did not appear for the hearing on October 10, 2023. Respondent, however, did appear. To date, petitioner has not contacted this tribunal to explain why.

CONCLUSIONS OF LAW

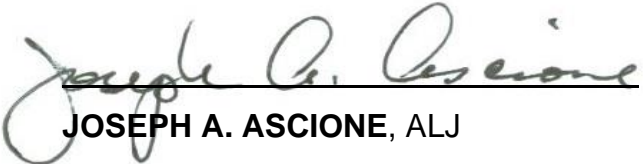
For the unreasonable failure to comply with any order of a judge or with any requirement of the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, the judge of a case may take any appropriate case-related action, including dismissal. See N.J.A.C. 1:1-14.14. In this case, petitioner failed to appear for the hearing of this case after he was given notice, and to date, has still not contacted this tribunal to explain why. Given this unreasonable failure to appear, I **CONCLUDE** that this case should be dismissed under the authority granted to me by N.J.A.C. 1:1-14.14.

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 16, 2023 _____
DATE



JOSEPH A. ASCIONE, ALJ

Date Received at Agency: October 16, 2023

Date Mailed to Parties: October 16, 2023

JAA/dw