



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**ORDER**

**EMERGENT RELIEF**

OAL DKT. NO. EDS 12111-23

AGENCY DKT. NO. 2024-36619

**S.S. ON BEHALF OF M.W.,**

Petitioner,

v.

**BLOOMFIELD TOWNSHIP**

**BOARD OF EDUCATION,**

Respondent.

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**No Appearance** by S.S. o/b/o M.W., petitioner, pro se

**Danielle N. Pantaleo**, Esq., for respondent (Busch Law Group, attorneys)

Record Closed: November 15, 2023

Decided: November 17, 2023

BEFORE **MARGARET M. MONACO**, ALJ:

On or about October 3, 2023, petitioner S.S. on behalf of her son M.W. filed a Request for Due Process Hearing with the Department of Education, Office of Special Education, seeking an out-of-district placement, additional therapy sessions and 1:1 counselling. Subsequently, on November 2, 2023, petitioner filed a Request for Emergent Relief and a Certification in Lieu of Affidavit or Notarized Statement of Petitioner Seeking Emergent Relief. Petitioner's emergent relief application requests that "[M.W.] be removed from the . . . District immediately and placed in a setting appropriate to his current needs"

and be “provide[d] with additional therapy and counseling[.]” The Office of Special Education transmitted petitioner’s Petition for Due Process and Request for Emergent Relief to the Office of Administrative Law, and oral argument on the emergent relief application was scheduled for November 15, 2023 at 1:30 p.m.

### **FINDINGS OF FACT**

I **FIND** the following uncontested **FACTS**:

1. By Notice dated November 9, 2023, the parties were informed that oral argument on petitioner’s Request for Emergent Relief was scheduled for November 15, 2023 at 1:30 p.m. at the Office of Administrative Law, 33 Washington Street, Newark, New Jersey.
2. By e-mail sent on November 9, 2023 at 12:48 p.m., the parties were informed that a telephone conference had been scheduled for November 9, 2023 at 4:00 p.m. Although counsel for the District called in for that conference, there was no appearance by S.S.
3. S.S.’s failure to appear for the telephone was memorialized in an e-mail sent on November 9, 2023 at 4:59 p.m. The e-mail further informed the parties that any certifications and briefs in support of their positions shall be filed by 4:00 p.m. on Monday, November 13, 2023 and be e-mailed to Joycelyn.Bullock@oal.nj.gov.
4. On November 13, 2023, the District filed a brief and a certification of the District’s Director of Special Services, Suzanne Abendschoen, in opposition to petitioner’s motion.
5. By e-mail sent on November 14, 2023 at 8:50 a.m., the parties were informed:

Regarding the oral argument on petitioner’s motion for emergent relief scheduled for November 15, 2023, I am

in receipt of the Board's brief and the Certification of Suzanne Abendschoen.

To date, this office has not received any submission on behalf of the petitioner except for the Request for Emergent Relief and Certification in Lieu of Affidavit that was filed on November 2, 2023.

6. S.S. did not appear at the OAL on November 15, 2023 for the scheduled oral argument on her motion for emergent relief. The District's attorney, Danielle Pantaleo, appeared for the scheduled proceeding.
7. S.S. did not contact the OAL on November 15, 2023, or prior to that date, to request an adjournment or to advise that she could not appear on November 15, 2023.
8. S.S. did not contact the OAL on November 16, 2023, or to date, to explain the reason for her failure to appear for the scheduled proceeding.

### **CONCLUSIONS OF LAW**

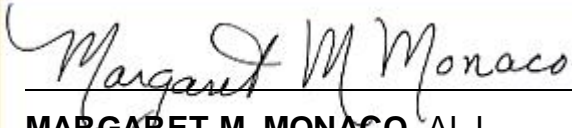
Based upon the foregoing, I **CONCLUDE** that petitioner has abandoned and/or failed to prosecute her motion for emergent relief. S.S. failed to appear at the scheduled proceeding, and she failed to provide an explanation for her nonappearance. See N.J.A.C. 1:1-14.4. Accordingly, I **CONCLUDE** that petitioner's motion for emergent relief should be dismissed without prejudice.

### **ORDER**

It is **ORDERED** that petitioner's Request for Emergent Relief be and hereby is **DISMISSED WITHOUT PREJUDICE**.

This order on application for emergency relief shall remain in effect until issuance of the decision in the matter. The parties will be notified of the scheduled hearing dates. 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.

\_\_\_\_\_  
November 17, 2023  
DATE

  
\_\_\_\_\_  
**MARGARET M. MONACO, ALJ**

Date Received at Agency \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

jb