

**SUMMARY:**

The issues in this matter involved private placement. The hearing was requested on May 12, 1999. (H.O. Exhibit 1). A prehearing conference was scheduled for May 24, 1999. (H.O. Exhibit 2). On May 18, 1999 the Board requested that it be rescheduled for reason that a receptionist was not available. (H.O. Exhibit 3). On May 18, 1999 the request was denied and the Board responded with a telephone number to be used for the prehearing conference. (H.O. Exhibits 4 and 6). On May 24, 1999 the prehearing conference was held and the Board attorney was not available at the scheduled time and phone number. Two dates for hearing were scheduled and notice was sent to the parties on May 24, 1999. (H.O. Exhibit 7). On July 2, 1999 the Board attorney, by way of letter explained that she did not participate in the prehearing due to a technological problem with her phone but confirming her availability for the hearing dates of July 20, 1999 and July 27, 1999. (H.O. Exhibit 8). Subsequent to that letter the Board's attorney requested that the two hearing dates be rescheduled and for unrelated reasons the parent's attorney concurred. (H.O. Exhibit 9). The Hearing Officer granted the request to cancel both dates and on July 23, 1999 offered twenty dates between July 29<sup>th</sup> and September 30<sup>th</sup> that were available to the parties to commence the hearing. (H.O. Exhibit 9). On July 29, 1999 the parties selected September 15, 1999 (H.O. Exhibit 10), on August 5<sup>th</sup> the hearing officer received the parent's exhibits and on August 31, 1999 the hearing officer confirmed the date. (H.O. Exhibit 11). The hearing officer heard nothing else from the parties until September 14, 1999 at which time she received a fax from the Board's attorney which stated in total: "We have not heard from you regarding the continuance requested as to the hearing scheduled for 9/15. The Board must presume the hearing is not going forward since there is no attorney coverage available." (H.O. Exhibit 12). The hearing officer immediately denied the request and followed with a subsequent fax explaining "The hearing officer received no prior request for continuance of the September 15, 1999 hearing date before receiving the September 14<sup>th</sup> request". (H.O. Exhibits 12 and 13). Subsequent to this notice the parent's attorney sent a fax indicating that the mother of the parent had fallen and broken her shoulder and because she (the grandmother) was a key witness, the parent was now also requesting that the hearing be rescheduled and suggesting another prehearing conference to establish additional dates. (H.O. Exhibit 14). The hearing officer sent her last notice in this matter indicating that the postponement request was denied and that "The grandmother can testify on a subsequent hearing date." (H.O. Exhibit 15). Upon arriving at the hearing at the scheduled place and time, neither party was present. Due to a much publicized fourteen mile back-up on the major interstate highway servicing Greenwich, the Hearing Officer extended the parties the courtesy of calling each of parties' counsel and inquiring whether they intended to appear. Both indicated they did not intend to appear. The Hearing Officer opened the record, entered exhibits into the record and dismissed the matter without prejudice.

**FINAL DECISION AND ORDER:**

This matter is **dismissed** without prejudice.