

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Rossy Mateo,
Petitioner,

Docket No.: OC-25-0534

v.

Department of Early Education and Care,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a determination made by respondent the Department of Early Education and Care (department) that petitioner Rossy Mateo is unsuitable to operate a daycare program.

At a prehearing conference in October 2025, Ms. Mateo requested an opportunity to pursue legal representation. Another conference was therefore scheduled for December 19, 2025. An interpreter was scheduled to attend. An order instructed the parties that: "Any party who wishes to request a new date for the conference must first communicate with the other party in an effort to identify one or more new conference dates on which both parties are available. The request to reschedule the conference must propose the new date(s)."

On December 18, 2025, Ms. Mateo wrote to DALA and to the department: "Is it possible to change the neighborhood meeting [sic] to another day, please?" The request identified no reasons in support of a postponement, followed no conferral with the department, proposed no new conference date, and arrived so late that the interpretation company was entitled to a last-minute-cancelation fee. Nevertheless, an order issued on the same day as the request postponed the conference, stating: "If Ms. Mateo wishes to continue

to pursue this appeal, she must communicate with [department counsel] Attorney Collamore, agree with her on new conference dates, and propose those dates (or arrange for Attorney Collamore to do so). . . . The proposal must be filed no later than 14 days from today. Ms. Mateo's failure to comply with this order's instructions is likely to result in dismissal for failure to prosecute."

Ms. Mateo has not complied with the December 18, 2025 order. She has made no other submissions and has provided no other information. She has failed "to respond to notices or correspondence" and "to comply with orders of the Presiding Officer." 801 C.M.R. § 1.01(7)(g)(2). Her course of conduct has "indicate[d] an intention not to continue with the prosecution of [her] claim." *Id.* The appeal may not necessarily be frivolous on its merits; but a neutral adjudicatory tribunal cannot pursue a case in place of a party who has ceased to be actively interested and involved.

In view of the foregoing, it is hereby ORDERED that this appeal is DISMISSED.

Dated: January 7, 2026

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
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