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State of New Jersey

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Procedure For Filing a Petition For a Formal Hearing

Under the Board's Rules of Practice, N.J.A.C. 14:1-1, et seq., you may file a petition, which is a request for a formal hearing. The petition, , should include the basic facts of your case, clearly written in numbered paragraphs, as well as a statement summarizing the type of assistance you may require. The original petition, plus four copies, must be filed with the Board. You must also include a filing fee of 25.00, payable by check, with your petition. Checks should be made payable to: "Treasurer, State of New Jersey".

Once your petition is filed at the Board's office, it will be given a Docket Number (case number). You should include this assigned number on all future correspondence concerning your matter. Additionally, the Board's Secretary will send a copy of your petition to each party in your formal request. Within 20 days of receiving a copy of your petition, any party who chooses to dispute the claims in your petition, or make any statements concerning the petition, must file an answer in writing to the Board. The party filing an answer must also send you a copy. If you should desire to reply, you must file your original answer within 10 days to the Board and send copies to the party(s).

The Board will then review the matter to determine if it is a "contested case" (a case wherein the parties aren't able to resolve the disputed issue). A contested case may be heard by the Board or sent to the Office of Administrative Law (O.A.L.), 33 Washington Street, Newark, New Jersey, 07102, for hearing before an Administrative Law Judge. The parties will be notified by the Board or the OAL of the date assigned for a hearing. Prior to any hearing, conferences may be scheduled by the Board or by the OAL, in an effort to identify the specific issues involved in your petition and to permit an opportunity for settlement.

Unless waived by the Board, the cost of a transcript plus the daily appearance fee for the court reporter is your responsibility, as a petitioner. The filing fee of \$25, however, may be assessed against a utility, if the petition is upheld by the Board. N.J.A.C. 48:2-56(1).

Under the Board's Rules of Practice, no party, except an individual appearing on his or her own behalf or a principal of a close corporation, shall be allowed to participate in any proceeding before the Board unless he or she is represented by an attorney of this State.