

1:1-17.8(c) are exempt from the requirement to obtain unanimous consent.

(f) Any order granting an extension must set forth the factual basis constituting good cause for the extension, and establish a new time for filing the decision or exceptions and replies. Extensions for filing initial or final decisions may not exceed 45 days from the original decision due date. Additional extensions of not more than 45 days each may be granted only for good cause shown. For final decisions, the order must additionally state that unanimous consent to extend the due date was obtained from the parties.

1:1-18.9 Final decisions by administrative law judges

(a) Where the head of an agency determines that the decision or recommended report of the administrative law judge, in a case or in a class of cases, will serve as the final agency decision, the head of agency shall file with the Director a written order describing the case or class of cases. The order shall apply to all cases described therein commenced with the agency after the order's issuance.

(b) For all cases in (a) above, the decision of the administrative law judge shall be the final agency decision on the matter and it will be deemed adopted by the head of agency on the date the decision is filed with the agency. The head of agency shall not have the opportunity to reject or modify the administrative law judge's recommended report or decision.

(c) The order delegating final decisions may be rescinded or modified by order filed by the head of agency with the Director. The rescission or modification shall be effective for all cases filed with the agency after the rescission or modification order is filed with the Director.

SUBCHAPTER 20. ALTERNATIVE DISPUTE RESOLUTION BY THE OFFICE OF ADMINISTRATIVE LAW

1:1-20.1 Scheduling of alternative dispute resolution

(a) The Director may assign an administrative law judge or other personnel to conduct mediation or other forms of alternative dispute resolution with regard to any matter filed with the Office of Administrative Law.

Recodify existing (a)-(b) as (b)-(c) (No change in text.)

(a)

OFFICE OF ADMINISTRATIVE LAW

Special Hearing Rules

Family Development Hearings

Readoption with Amendments: N.J.A.C. 1:10

Proposed: November 17, 2014, at 46 N.J.R. 2219(a).

Adopted: May 12, 2015, by Laura Sanders, Acting Director, Office of Administrative Law.

Filed: May 18, 2015, as R.2015 d.097, **without change**.

Authority: N.J.S.A. 52:14F-5(e), (f), and (g).

Effective Dates: May 18, 2015, Readoption;

June 15, 2015, Amendments.

Expiration Date: May 18, 2022.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The rules readopted with amendments implement the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 et seq. They also implement Federal regulations at 7 CFR § 273.16, 7 CFR § 273.15, and 45 CFR § 205.10 regarding fair hearings and Federal assistance programs. The requirements of these rules are the same as those imposed by Federal law.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 1:10.

Full text of the adopted amendments follows:

1:10-5.1 Representation at hearing

An applicant or recipient may appear at a proceeding without legal representation or may be represented by an attorney or by a relative, friend or other spokesperson pursuant to the procedures set forth in N.J.A.C. 1:1-5.4; 7 C.F.R. 273.15(f); 45 C.F.R. 205.10(a)(3)(iii); and 7 C.F.R. 273.15(p)(2).

1:10-9.2 Notice of hearing

(a) In cases involving Temporary Aid to Needy Families (TANF) or food stamp benefits, except for emergency hearings, the Clerk shall send written notice of the filing and hearing to each party at least 10 days before the scheduled hearing date.

1. (No change.)

(b) (No change.)

1:10-10.1 Discovery

(a) The CWA or MWD shall provide the applicant or recipient or his or her authorized representative opportunity to review the entire case file and all documents and records to be used in the hearing. (7 C.F.R. 273.15(i)(1); 45 C.F.R. 205.10(a)(13)(i).)

(b) (No change.)

1:10-12.2 Emergency fair hearings in TANF or General Assistance cases

(a) When DFD determines that a request for hearing should be scheduled as an emergency fair hearing:

1. DFD shall notify the Office of Administrative Law of the hearing request on the same day as the request is received.

2. (No change.)

3. Notice of the time, date, and place of the hearing shall be transmitted to DFD within one day after the Office of Administrative Law is notified of the hearing request. DFD shall prepare the OAL transmittal form and notify the CWA or MWD, the petitioning applicant/recipient, or the petitioner's representative of the scheduled hearing on the day that it receives notification of the hearing time and place.

4.-6. (No change.)

1:10-14.1 Attendance at hearing

(a)-(c) (No change.)

(d) If neither the applicant/recipient nor a representative appears at a hearing concerning an alleged intentional program violation and timely adequate notice of the hearing was given to the applicant/recipient, the hearing shall be conducted ex parte. 7 C.F.R. 273.16(e); N.J.A.C. 10:87-11.5(a)4i.

1:10-14.2 Intentional program violation hearings

At an intentional program violation hearing, the charged applicant/recipient has a right to remain silent and may refuse to answer questions. 7 C.F.R. 273.16(e)(2)(iii).

1:10-14.3 Independent medical assessment

For good cause, the administrative law judge may order an independent medical assessment or professional evaluation when the hearing involves medical issues. Such medical assessment shall be obtained at CWA or MWD expense. 7 C.F.R. 273.15(m)(2)(v); 7 C.F.R. 273.16(e)(2)(ii); 45 C.F.R. 205.10(a)(1)(iii)(10).

1:10-18.1 Initial decision (other than emergency hearing matters)

(a) In cases involving TANF benefits, an initial decision shall be issued within 21 days from the date of the hearing.

(b)-(d) (No change.)