

**STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES  
COMMISSION FOR THE BLIND AND  
VISUALLY IMPAIRED**

**J B** ,  
Petitioner,

v.

**COMMISSION FOR THE BLIND AND  
VISUALLY IMPAIRED,**  
Respondent.

:  
:  
: **ADMINISTRATIVE ACTION**  
:  
: **FINAL AGENCY DECISION**  
:  
: **OAL DKT. NO.: HCB 04946-19**  
: **Agency NO.: N/A**  
:  
:

As the Executive Director of the Commission for the Blind and Visually Impaired, I reviewed the record in this matter consisting of the Initial Decision of the Honorable Dorothy Incarvito-Garrabrant, ALJ, and the file of the Office of Administrative Law. I also reviewed the Exceptions submitted by Petitioner J B. The Initial Decision was received on February 18, 2020. An order of extension of time to file a Final Agency Decision was entered on March 30, 2020 extending the deadline to May 18, 2020. On March 9, 2020, Governor Murphy issued Executive Order No. 103 declaring both a Public Health Emergency and a State of Emergency in response to the COVID-19 pandemic. Then, on April 14, 2020, Governor Murphy issued Executive Order No. 127 extending the deadline for filing a Final Agency Decision by the number of days of the Public Health Emergency plus an additional 90 days. The Public Health Emergency ceased on June 4, 2021 by Executive Order No. 244. However, pursuant to N.J.S.A. 26:13-32 Executive Order No. 127, which extends the deadline for Final Agency Decisions, is effective through January 1, 2022.


This matter arises from Petitioner's challenge to the denial of his alleged entitlement to the income from vending machines he operates under 34 C.F.R. 395.8, the Randolph-Sheppard Act, by Respondent, New Jersey Commission for the Blind and Visually Impaired. Specifically, Petitioner seeks a payment for entitlements he alleged accrued to him between 1999 and August 2018. On December 12, 2019, Respondent filed a motion for summary decision seeking dismissal of Petitioner's case. On January 10, 2020, Petitioner filed across-motion for summary decision. On January 21, 2020, Respondent filed a reply to Petitioner's motion. In 2016, Petitioner requested from the Executive Director additional monies from the vending machines her operated. The Executive Director denied the request and afforded Petitioner an opportunity for a fair hearing. He did not request a fair hearing until August 2018. At the hearing, Respondent moved to dismiss the matter as time-barred. The ALJ in her Initial Decision agreed. Petitioner's exceptions focus on the merits of the dispute alleging that Respondent did not comply with federal law and inappropriately distributed monies. The record supports the Initial Decision.

Based on my review of the record, I concur with the ALJ's findings and hereby **ADOPT** the Initial Decision.

THEREFORE, it is on this 3d day of September 2021.

ORDERED:

That the Initial Decision is hereby **ADOPTED**

  
Bernice Davis, Psy.D.  
Executive Director