



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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*Commissioner*

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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **09287-23 C.C.**

AGENCY DKT. NO. **C184372015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appealed from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for October 19, 2023, but Petitioner failed to appear. See Initial Decision at 2. After providing good cause for her non-appearance, the matter was rescheduled for November 6, 2023, which was subsequently adjourned following a prehearing discussion. *Ibid.* A telephone conference was scheduled for November 28, 2023, for which Petitioner failed to appear due to a medical emergency, and the matter was again adjourned. *Ibid.* On January 30, 2024, an in-person hearing was adjourned following extensive prehearing discussions and Petitioner informing the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), that she was seeking to retain legal counsel. *Ibid.* On February 21, 2024, during a telephone conference, Petitioner again stated she was still seeking to obtain legal counsel, and the matter was rescheduled for another in-person hearing on April 9, 2024. *Ibid.* Prior to that hearing date, on April 2, 2024, Petitioner requested an adjournment due to her inability to obtain counsel. *Ibid.* The ALJ granted the adjournment request, over the objection of the Agency, and a peremptory hearing was scheduled for April 24, 2024, and the parties were advised that no further adjournment requests could be entertained. *Ibid.* On April 24, 2024, the Agency appeared for the in-person hearing, but despite have arranged for transportation for Petitioner to the in-person hearing, Petitioner refused to leave with the arranged transportation, on the basis that she had purportedly received multiple calls to her motel stating that the hearing was canceled. *Ibid.* The Agency had confirmed the hearing with Petitioner the day prior, and no one from the Agency had contacted her to say that the hearing was canceled. *Id.* at 2-3. Additionally, the ALJ stated that his chambers had not contacted Petitioner to advise that her hearing was canceled. *Id.* at 3. In accordance with regulatory authority, the ALJ waited the required one day to see if Petitioner provided any good cause for her failure to appear for the peremptory hearing. *Ibid.*; see also N.J.A.C. 1:1-14.4(a). No good cause explanation having been provided, the ALJ concluded that Petitioner had abandoned her request for a fair hearing. *Ibid.* On April 26, 2024, the ALJ issued an Initial Decision, finding that Petitioner had abandoned her appeal in this matter.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, finding that Petitioner abandoned her appeal in this matter, and as such, the Agency's termination of EA benefits to Petitioner remains in force as issued. Furthermore, I find that, due to Petitioner's abandonment of her fair hearing, combined with the multiple adjournments and opportunities to go forward with her requested fair hearing, she is barred from seeking another fair hearing on this issue and Petitioner's appeal is therefore dismissed with prejudice.



Accordingly, the Initial Decision is hereby ADOPTED, and Petitioner's appeal is hereby dismissed with prejudice.

Officially approved final version. May 23, 2024

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Natasha Johnson  
Assistant Commissioner

