



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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SARAH ADELMAN
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 **07737-24 L.C.**

AGENCY DKT. NO. **C093000015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appealed from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, because she refused the appropriate form of emergency housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A telephonic emergent plenary hearing was initially scheduled for June 12, 2024, in the morning, before the Honorable Elaine B. Frick, Administrative Law Judge ("ALJ"), with notice having been provided to both parties and directions of how to call in for the proceeding. See Initial Decision at 2. Petitioner did not call in for the hearing at the designated time, but had called the Agency representative earlier, asserting that she had missed her hearing. Ibid. Petitioner was advised by the Agency representative that she had not missed her hearing, but nonetheless, Petitioner did not call in at the scheduled hearing time. Ibid. Petitioner contacted OAL in the early afternoon of June 12, 2024, stating no one had called her for her scheduled hearing. Id. at 3. In response, the ALJ directed both parties to call in to the conference line for the hearing at 3:00pm that day, with notice of the rescheduled hearing time having been emailed to both parties a half hour prior. Ibid. At the rescheduled 3:00pm time, Petitioner again failed to dial in for the proceeding, and after waiting for 20 minutes, the ALJ confirmed the matter on the record as another failure to appear by Petitioner. Ibid. On June 14, 2024, the ALJ issued an Initial Decision, finding that Petitioner had advanced notice of both scheduled times, that she was aware of how to call in for the proceeding, but did not do so and provided no good cause reason for said failure, and as such, dismissed Petitioner's appeal.

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 failed to appear for her scheduled emergent hearing, and therefore abandoning her appeal in this matter. As such, the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, remains in force as issued. Furthermore, I find that, due to Petitioner's abandonment of her emergent 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. June 27, 2024

Natasha Johnson
Assistant Commissioner

