



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 13546-19 G.C.

AGENCY DKT. NO. C254270009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appealed from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner was terminated from her shelter placement due to threatening and/or disruptive behavior which involved the use of a weapon. A plenary hearing was scheduled for October 23, 2019, before the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"). On October 23, 2019, the ALJ issued an Initial Decision dismissing Petitioner's appeal.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

On October 23, 2019, Petitioner and the Agency's representative appeared before the ALJ for a hearing. See Initial Decision at 2. Petitioner left the hearing while the Agency representative was testifying, refusing to wait to be heard, and did not return. Ibid. As a result, the ALJ concluded that Petitioner had abandoned the hearing, and the appeal was dismissed. Ibid.

Based on the foregoing, I find that Petitioner abandoned her appeal in this matter and, therefore, I affirm the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty. See Exhibit R-1; see also N.J.A.C. 10:90-6.3(c)(1), (3). Petitioner is advised that her six-month EA ineligibility penalty shall run from September 29, 2019, the date of the Agency's termination, through March 28, 2020. See Exhibit R-1.

Further, I take official notice of the fact that the records of this office indicate that on October 28, 2019, Petitioner requested another fair hearing based on the same September 19, 2019, adverse action notice. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). As Petitioner abandoned her fair hearing in



the present matter, which was specifically to address the September 19, 2019, adverse action notice and resultant termination of EA benefits, and provided no good cause for her abandonment of said fair hearing, Petitioner is now precluded from requesting another fair hearing on the same adverse action. See N.J.A.C. 10:90-9.13(d). Accordingly, I hereby dismiss Petitioner's appeal with prejudice.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Officially approved final version.

OCT 30 2019

Natasha Johnson

Assistant Commissioner

