



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **03610-20 D.L.**

AGENCY DKT. NO. **C117803009 (HUDSON COUNTY DEPT OF FAM SVCS)**

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. An Emergent fair hearing was initially scheduled for March 12, 2020, however, Petitioner advised that she was not homeless, and that the only issue at hand was a denial of Supplemental Nutrition Assistance Program ("SNAP") benefits. At the request of the parties, the hearing was then adjourned to April 29, 2020, to allow the Agency the opportunity to review documents supplied by Petitioner. However, that hearing did not take place due to the COVID-19 pandemic. Thereafter, OAL contacted Petitioner, who advised that her SNAP benefits had been reinstated. As no contested issue remained to be determined, the OAL requested that Petitioner submit a withdrawal of her fair hearing request, but she failed to do so, and therefore, a telephonic hearing was scheduled for June 9, 2020. On that date, Petitioner failed to appear for hearing, and on June 15, 2020, the ALJ issued an Initial Decision dismissing 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 and dismiss Petitioner's appeal in this matter.

The record in this matter reflects that, on June 9, 2020, the Agency's representative telephonically appeared for the scheduled hearing. See Initial Decision at 2. Petitioner failed to telephonically appear, without explanation. Ibid. At the hearing, the Agency advised the ALJ that it had provided Petitioner with SNAP benefits retroactive to February 2020, thus making Petitioner's appeal moot. Ibid. Nevertheless, Petitioner had failed to submit a withdrawal of her fair hearing request and had failed to appear for the telephonic hearing. Ibid. As such, the ALJ found that Petitioner had abandoned her fair hearing request, and dismissed Petitioner's appeal. Ibid. I agree.

Accordingly, the Initial Decision is hereby ADOPTED, the matter DISMISSED.



Officially approved final version.

JUN 18 2020

Natasha Johnson
Assistant Commissioner

