



# 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 **14042-23 J.T.**

AGENCY DKT. NO. **S650310012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner challenges the Respondent Agency's calculation of his monthly Supplemental Nutrition Assistance Program ("SNAP") benefits allotment, and seeks retroactive SNAP benefits from July 2023 through January 2024. A telephonic plenary hearing was initially scheduled for February 27, 2024. See Initial Decision at 2. On that date, a pre-hearing conference took place, and following said conference, Petitioner orally withdrew his fair hearing request. Ibid. However, later that same date, Petitioner advised the Agency via email that he wished to continue with the hearing. Ibid. The case was rescheduled for March 5, 2024, before the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"). Shortly after commencing the hearing, Petitioner became belligerent, hung up from the telephonic hearing and did not call back in. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had abandoned his request for a fair hearing. Ibid. On March 5, 2024, the ALJ issued an Initial Decision, finding that Petitioner had abandoned his appeal and dismissing the matter.

Exceptions to the Initial Decision were received from Petitioner on March 11, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and I hereby ADOPT the ALJ's Initial Decision, finding that Petitioner abandoned his appeal in this matter, and as such, the case may be dismissed.

By way of comment, I have reviewed Petitioner's Exceptions, and I find that they do not alter my decision in this matter. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider argument or documents as evidence in a matter that were not submitted at the hearing for consideration by the ALJ. As the hearing in this matter did not go forward, with no testimony having been given under oath by either party before the ALJ, and no documentation having been admitted into evidence by the ALJ, there is no established case record in this matter to be reviewed. To consider Petitioner's arguments, made through Exceptions, without proper testimonial and admitted documentary evidence, and full consideration of same by the ALJ with application of law to fact, would be improper under the law governing administrative proceedings. Ibid.

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



Officially approved final version. March 15, 2024

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Natasha Johnson  
Assistant Commissioner

