



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 **02696-24 R.J.**

AGENCY DKT. NO. **C797099007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appealed from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of utility assistance. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was initially scheduled for March 1, 2024, before the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"). The parties appeared on that date, and following an extensive prehearing conference, Petitioner determined he wished to proceed with the hearing. Testimony was given by the Agency, and upon beginning his testimony, Petitioner requested to stop the hearing and be given the opportunity to seek legal counsel. See Initial Decision at 2. The ALJ agreed to an adjournment of the matter to March 4, 2024, in the afternoon. Petitioner objected, stating that was not enough time to consult with counsel, and as a result, the case was rescheduled to March 7, 2024, at 1:00pm, and then, due to a scheduling conflict, moved to 11:00am that same date. Ibid. Petitioner was advised of the date, and both the original time, and the revised time. Ibid. On March 7, 2024, the Agency representative appeared, but Petitioner failed to call in for the hearing. Ibid. An attempt was made to reach Petitioner, with no success. Ibid. Thereafter, at 1:00pm, the Agency representative and the ALJ called in, in case Petitioner had called in at that time instead, but again, Petitioner failed to call in. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had abandoned his request for a fair hearing. Ibid. On March 8, 2024, the ALJ issued an Initial Decision, finding that Petitioner had abandoned his appeal, and dismissing the 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 his appeal in this matter, and as such, the Agency's denial of EA benefits to Petitioner remains in force as issued. Furthermore, I find that, due to Petitioner's abandonment of his fair hearing, he 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. March 15, 2024

Natasha Johnson
Assistant Commissioner

