



State of New Jersey

PHILIP D. MURPHY  
*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

NATASHA JOHNSON  
*Director*

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 11663-18 S.P.

AGENCY DKT. NO. S760972009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the correctness of the Respondent Agency's denial of retroactive Supplemental Nutrition Assistance Program ("SNAP") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A hearing date was initially scheduled for September 6, 2018, but was adjourned at the request of Petitioner's son due to Petitioner having a doctor's appointment on the date of the hearing. See Initial Decision at 2. The matter was then rescheduled for September 25, 2018. *Ibid.* Petitioner's son again requested an adjournment of the matter, as well as an afternoon start time for the hearing. *Ibid.* The matter was then rescheduled for October 9, 2018, with an 11:00am start time for the hearing. *Ibid.* On the morning of the hearing, at approximately 10:30am, Petitioner's son telephoned the OAL to advise that he would be late. *Ibid.* However, when neither Petitioner, nor her son, arrived by 12 noon, the case was marked as a failure to appear and the Agency representatives were dismissed. *Ibid.* When Petitioner's son arrived at approximately 1:00pm, he was advised that the Agency representatives had left and that the matter could not be heard. *Ibid.* Petitioner then contacted the OAL, requesting that the matter again be rescheduled. *Ibid.*

On October 10, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), issued an Initial Decision, denying Petitioner's request for any further adjournment. *Ibid.* Citing applicable regulatory authority, the ALJ noted that Petitioner had already received two adjournments and no further adjournment was permitted. *Ibid.*; see also N.J.A.C. 1:10-9.1(a) and N.J.A.C. 10:87-8.6(a)(4)(i). As such, the ALJ dismissed Petitioner's appeal. See Initial Decision at 2.

I agree, and further take official notice of the fact that the records of this office indicate that Petitioner had a prior fair hearing, under OAL Docket Number HPW 08723-18, based on same Agency adverse action notice of April 30, 2018, as that in the present matter. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). In that prior matter, a similar pattern of several adjournments and a late arrival at a scheduled hearing occurred. See Initial and Final Decisions in OAL Docket Number HPW 08723-18 (Final Decision issued August 28, 2018). Based on the number of adjournments that occurred both in that prior fair hearing, as well as in the present matter, I find that Petitioner has had more than ample opportunity to pursue and adjudicate the contended adverse action taken by the Agency on April 30, 2018. Moreover, Petitioner is now well beyond the regulatory permissible period of 90 days from the date of the adverse action to seek further recourse therefrom. See N.J.A.C. 10:87-8.5. Therefore, I hereby dismiss Petitioner's appeal with prejudice.

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 hereby ADOPT the Initial Decision, and as Petitioner's appeal has been dismissed, the Agency's action stands, and is thereby AFFIRMED.



Accordingly, the Initial Decision is ADOPTED, the Agency's action is hereby AFFIRMED and Petitioner's appeal is hereby dismissed with prejudice.

Officially approved final version.

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Natasha Johnson

Director

