



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 04625-20 D.B.

AGENCY DKT. NO. C116486002 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner challenges the Respondent Agency's denial of his application for Work First New Jersey/ General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits. The Agency denied Petitioner WFNJ/GA benefits due to a previous conviction for narcotics distribution, which disqualifies him from receipt of WFNJ/GA benefits. The Agency denied Petitioner EA benefits because he was not WFNJ eligible. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A telephonic plenary hearing was scheduled for May 14, 2020, before the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"). Also on May 14, 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 AFFIRM the Agency's denial of WFNJ/GA and EA benefits.

N.J.A.C. 10:90-18.6(b)(1)(ii)(3) states, "Persons convicted on or after August 22, 1996, of an offense, which occurred on or after August 22, 1996, involving distribution are not eligible for WFNJ cash assistance benefits."

Only WFNJ and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

The record in this matter reflects that, on May 14, 2020, Petitioner and the Agency's representative appeared for the scheduled hearing via telephone due to the COVID pandemic and applicable restrictions. See Initial Decision at 2. While conferencing the matter with the parties prior to commencement of the hearing, Petitioner indicated to the ALJ that he no longer wished to proceed with the matter, apologized for "wasting everyone's time," and hung up. Ibid. Based upon Petitioner's failure to remain on the phone to conduct the hearing, the ALJ determined that Petitioner had abandoned his request for a hearing in the matter and dismissed the case. Ibid.



Based on the foregoing, I find that Petitioner abandoned his appeal in this matter and, therefore, I affirm the Agency's denial of Petitioner's application for both WFNJ/GA and EA benefits. See N.J.A.C. 10:90-18.6(b)(1)(ii)(3) and N.J.A.C. 10:90-6.2(a).

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

Officially approved final version.

MAY 21 2020

Natasha Johnson
Assistant Commissioner

