



# State of New Jersey

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*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 **01434-24 J.S.**

AGENCY DKT. NO. **C278236020 (UNION COUNTY DIVISION OF SOC. SVCS.)**

Petitioner appealed from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A plenary hearing was initially scheduled for February 5, 2024, but was adjourned. The case was rescheduled for several subsequent dates, but those dates were all rescheduled due to notice issues and weather-related state office closings. See Initial Decision at 2. On February 20, 2024, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ") convened the telephonic plenary hearing. Ibid. Prior to commencing the actual hearing, Petitioner became erratic, belligerent, and hostile. Ibid. Despite the ALJ's multiple requests to Petitioner, asking him to cease yelling and cursing, Petitioner continued with the belligerent behavior. Ibid. Upon the ALJ's final attempt to have Petitioner stop his hostile behavior, Petitioner uttered an inappropriate profanity to the ALJ, and then hung up from the telephonic hearing. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had abandoned his request for a fair hearing. Ibid. On February 20, 2024, the ALJ issued an Initial Decision, finding that Petitioner had abandoned his appeal, and thus affirming the Agency's determination in this 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 termination 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. February 22, 2024

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Natasha Johnson  
Assistant Commissioner

