



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 **08954-21 C.M.**

AGENCY DKT. NO. **C114859013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)**

Petitioner challenges the correctness of the Respondent Agency's calculation of her Supplemental Nutrition Assistance Program ("SNAP") monthly benefit allotment amount. Petitioner contends that her rental amount should have been included in the calculations to determine her monthly SNAP benefit allotment, thereby resulting in a higher monthly benefit amount. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. A telephonic plenary hearing was scheduled for December 9, 2021, before the Honorable David M. Fritch, Administrative Law Judge ("ALJ"). On that date, Petitioner requested an adjournment in order to provide documentation to the Agency in order to verify her rental amount. See Initial Decision at 3. The matter was then rescheduled for January 6, 2022. Ibid. Petitioner was sent written notice of the new date and time of the hearing, yet failed to appear for the telephonic hearing on the scheduled day, at the designated time. Ibid. Very late in the afternoon on the day of the hearing, Petitioner emailed OAL, with no explanation for her failure to appear, but instead attaching a scanned medical bill from January 3, 2022, with a balance due from a medical appointment in 2019. Ibid. OAL staff responded to Petitioner's email, seeking further explication, and indicating that a verifiable reason for missing the hearing would need to be provided within twenty-four hours of the missed hearing, or the case would be returned to the transmitting State Agency. Ibid.; see also N.J.A.C. 1:1-14.4. No further explanation was received from Petitioner by January 7, 2022. See Initial Decision at 3.

On January 24, 2022, the ALJ issued an Initial Decision, returning the matter to the Division of Family Development. See Initial Decision at 5; see also N.J.A.C. 1:1-3.3(b), (c). In that Initial Decision, the ALJ concluded that Petitioner had been given proper written notice of the date and time of the January 6, 2022, telephonic hearing, and further concluded that Petitioner's email to OAL did not provide good cause for Petitioner's failure to appear for the hearing, and as such, there was no appropriate basis warranting rescheduling of Petitioner's fair hearing. See Initial Decision at 5.

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.

Additionally, as I find that Petitioner was given ample opportunity to provide additional documentation to the Agency in this case, so as to verify her rental amount, and none having been forthcoming, I hereby AFFIRM the Agency's determination of Petitioner's monthly SNAP benefit allotment. See N.J.A.C. 10:87-2.19, -2.20.

Finally, as Petitioner had been provided proper written notice of her rescheduled January 6, 2022, fair hearing, and Petitioner having failed to appear for that fair hearing, and no good cause having been given for her failure to appear for said hearing, I hereby dismiss this matter, with prejudice. See N.J.A.C. 1:1-3.3(b).

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is AFFIRMED, and the case is dismissed, with prejudice.

Officially approved final version.

February 10, 2022

Natasha Johnson
Assistant Commissioner

