



## State of New Jersey

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*Governor*

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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 **08971-22 M.A.**

AGENCY DKT. NO. **C153577015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appealed from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits for a period of 26 months, and the termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits for such period, contending that she had received an Unemployment Insurance Benefit ("UIB") lump sum payment, and also, that she had failed to report receipt of said lump sum payment. The Agency terminated Petitioner's EA benefits because she was not a WFNJ or Supplemental Security Income ("SSI") benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 16, 2022, but Petitioner failed to appear. After providing a good cause basis for her nonappearance at the hearing, the matter was rescheduled for October 12, 2022, before the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"). On October 13, 2022, 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 ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

The record in this matter reflects that, on October 12, 2022, Petitioner and the Agency's representative appeared for the re-scheduled telephonic hearing. See Initial Decision at 2. At that time, Petitioner claimed that she had only received the hearing exhibits from the Agency on October 11, 2022, was not prepared, and had not had time to reach her attorney. Ibid. The record also reflects that, prior to the start of the hearing, the ALJ had provided Petitioner ample time to reach her attorney, but she had been unable to do so. Ibid. Petitioner then requested another hearing adjournment, stating that she would not proceed without her attorney. Ibid. Of note, the record reflects that the Agency had no record of any attorney representation for Petitioner, and that no attorney had contacted the Agency in regards to any such representation. Ibid. The ALJ found that Petitioner had failed to support her claim



that she had sought representation, or that she was unable to proceed. Id. at 3-4. The ALJ did not grant the requested adjournment, as this was the second listing for an emergent hearing. Id. at 2, 4. Consequently, Petitioner refused to participate in the hearing and ended the conference call. Ibid. As a result, the ALJ concluded that Petitioner had abandoned the hearing, dismissed her case, and returned the matter to DFD for appropriate disposition. Id. at 4, and N.J.A.C. 1:1-3.3(b).

Based on the foregoing, I find that Petitioner abandoned her fair hearing in this matter and, therefore, the Agency's termination of WFNJ/GA and EA benefits to Petitioner stands as issued. See Exhibit R-1 at 4-8; see also N.J.A.C. 1:1-3.3(b), and N.J.A.C. 10:90-3.18, -6.2(a). Moreover, I note that Petitioner's WFNJ/GA and EA benefits were terminated by notice dated May 3, 2022, and as such, Petitioner is now beyond the permissible 90-day time frame within which to request a fair hearing, and as such, is now out of time to request another fair hearing on these same issues. See Exhibit R-1 at 4; see also N.J.A.C. 10:90-9.10(c), (d). Therefore, Petitioner's fair hearing is hereby dismissed with prejudice, and Petitioner is advised that she is foreclosed from requesting another fair hearing on these specific terminations. Ibid.

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

Officially approved final version.

October 25, 2022

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Natasha Johnson  
Assistant Commissioner

