

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 Trenton, NJ 08625-0712

CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

STATE OF NEW JERSEY **DEPARTMENT OF HUMAN SERVICES** DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

L.S.

PETITIONER,

ADMINISTRATIVE ACTION

٧.

FINAL AGENCY DECISION

PERSONAL PREFERENCE

PROGRAM,

OAL DKT. NO. HMA 00896-20

RESPONDENTS.

As Assistant Commissioner of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 14, 2020 in accordance with an Order of Extension. The Initial Decision was received on June 16, 2020.

Based upon my review of the record, I hereby ADOPT the recommended decision of the Administrative Law Judge (ALJ) dismissing Petitioner's appeal regarding the January 3, 2020 notice dis-enrolling her from the Personal Preference Program (PPP). This matter was transmitted to the Office of Administrative Law (OAL) on January 15, 2020 and scheduled for a hearing on February 24, 2020. Prior to that date, Petitioner requested an adjournment in

order to obtain legal counsel. Thereafter, the matter was adjourned on four more occasions.

Petitioner never retained counsel, refused to represent herself, failed to participate in a May

20, 2020 scheduling conference, and did not appear for a May 21, 2020 telephone hearing.

Despite this, the matter was suspended in order to give Petitioner another chance to explain

her failure to appear and pursue her appeal. Petitioner was advised that if she did not provide

an explanation, the matter would be continued on June 11, 2020 and subject to a motion to

dismiss if she failed to appear.

On May 22, 2020, Petitioner wrote that her doctor would not allow her to represent

herself at the hearing. The ALJ advised that this explanation was not acceptable and that

the matter would be heard on June 11, 2020. On May 23, 2020, Petitioner wrote again,

refusing to participate any further on the advice of her doctor. Petitioner did not appear for

the June 11, 2020 hearing.

The ALJ dismissed the appeal based upon Petitioner's failure to participate on multiple

occasions, and her refusal to participate until she found an attorney. Since then, there has

been no correspondence from Petitioner regarding her failure to appear. The ALJ cannot be

expected to grant Petitioner an open ended adjournment. Thus, I agree with the ALJ's

dismissal of the case. See N.J.A.C. 1:1-14.4.

THEREFORE, it is on this 14th day of SEPTEMBER 2020,

ORDERED:

That Initial Decision dismissing the appeal is hereby ADOPTED.

Jan Sportacetos

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance

and Health Services

¹ Although Petitioner states that she cannot proceed pro-se at the direction of her doctor, she does not provide the court with any intent to imminently retain an attorney or representative to pursue the instant appeal.