

The matter arises regarding the determination by Ocean County Board of Social Services (Ocean County) that Petitioner was eligible for benefits as of January 1, 2020 but was subject to a transfer penalty for 224 days. ID at 1. The penalty was appealed in March 2020 by Petitioner's Designated Authorized Representative (DAR) who is an employee of the Senior Planning Services.

With consent of both Ocean County and the DAR, the matter was been placed on the inactive list for six months beginning in September 2020. At some point Michael Heinemann, Esq. entered an appearance to represent Petitioner. ID at 2. After a hearing scheduled in April 2021, Petitioner failed to appear. Mr. Heinemann responded the day after the hearing that he was unaware of the hearing date. ID at 2.

The matter was rescheduled for May 13, 2021 at which time Mr. Heinneman appeared but state he was "not sure if he is still representing the petitioner." ID at 2. Another hearing was scheduled for June 11, 2021 at 1:30 pm. At 9:26 that morning, Mr. Heinneman emailed the OAL stating he would not be appearing on behalf of the Petitioner nor did he know if anyone else would be appearing. No substitution of counsel was provided and a final hearing was scheduled on July 13, 2021 with notice to the DAR. No one appeared for Petitioner.

The Initial Decision dismisses the case, finding that neither Mr. Heinemann nor the DAR nor Petitioner appeared or contacted the court at any of the scheduling hearings. N.J.A.C. 1:1-14.4(a) instructs that when a party fails to appear at a scheduled proceeding, the Administrative Law Judge (ALJ) shall hold the case for one day before directing the Clerk to return the matter. Here, the ALJ scheduled multiple proceedings to permit

Petitioner, her counsel or her DAR to appear. Thus, I FIND that the Initial Decision correctly dismisses the appeal.

THEREFORE, it is on this ^{13th} day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services