



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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

REMAND DECISION

OAL DKT. NO. HPW 13668-13 B.C.

AGENCY DKT. NO. C034588 (SUSSEX COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 15, 2014, the Honorable Leslie Z. Celentano, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On February 10, 2014, a status teleconference was held, during which the parties purportedly indicated that Petitioner would withdraw her claim and forward a letter to the ALJ confirming said withdrawal. On October 29, 2014, the ALJ sent correspondence to counsel for Petitioner and the Agency asking for a status update of the matter for either a possible settlement or written request to reschedule the hearing. The letter indicated that if no correspondence was received by November 10, 2014, the case would be dismissed with prejudice. Because no response was received by the aforementioned date, on November 17, 2015, the ALJ dismissed the action with prejudice.

Exceptions to the Initial Decision were filed on November 24, 2015 by Legal Services on behalf of Petitioner. In its Exceptions, Legal Services provided a copy of a letter to the ALJ dated November 7, 2014, stating the matter had not been resolved and requesting that the ALJ schedule the matter for a hearing. See Exceptions, Exhibit B. The Exceptions also state that Legal Services had agreed to withdraw its request for a copy of an investigator's report, as counsel had been provided with same, rather than a withdrawal of the Fair Hearing request. See Exceptions at 1-2.

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As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I find that Petitioner's appeal should not be dismissed with prejudice. The letter provided by Legal Services in its Exceptions appears to show a timely response to the ALJ's request for an update on the status of the case, although it is unclear why Petitioner's counsel then failed to exercise due diligence in following up with the ALJ regarding the rescheduling of the matter for over a year. Be that as it may, I find that because it appears that a settlement cannot be reached, and because Petitioner's counsel had requested that the matter be rescheduled, Petitioner shall be entitled to a Fair Hearing on this matter to be scheduled on an expedited basis.

Accordingly, the Initial Decision in this matter is hereby REJECTED and Petitioner's appeal is hereby REMANDED to the OAL in order to schedule a Fair Hearing in this matter on an expedited basis.

DEC 21 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director