

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.¹ 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.



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.