

Sandy Recovery Division
Office of Administrative Law Appeals

If an applicant is found ineligible for the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM), Low-to-Moderate Income (LMI) Homeowners Rebuilding, and/or Homeowner Resettlement grant programs, the applicant is sent a letter informing them of their ineligibility status and of their right to appeal. The applicant is informed that they have thirty (30) days from the date of the letter to request an appeal before the New Jersey Office of Administrative Law (OAL). If an applicant requests an OAL appeal, the appeal process is initiated and the following steps occur:

1. The Director of the Sandy Recovery Division (SRD) notifies the applicant that the appeal was received and that the appeal request will be forwarded to the OAL. The Director also provides the applicant with the name and contact information of the (SRD) Representative assigned to their appeal. **(Please note, the assigned representative represents the interests of the Sandy Recovery Division and cannot provide the applicant with legal advice).**
2. The Director forwards the applicant's appeal request to the SRD Appeals Unit.
3. Upon receipt of the appeal request, the SRD Appeals Unit requests and receives the applicant's RREM/Resettlement file from the SRD Compliance and Monitoring Unit.
4. The SRD Appeals Unit transmits the applicant's appeal request to the OAL Clerk's Office to be assigned to an Administrative Law Judge (A.L.J.). Included in the OAL transmittal is:
 - a. A copy of the transmittal form;
 - b. A copy of the applicant's denial letter(s);
 - c. A copy of the applicant's appeal request(s); and
 - d. A copy of the SRD Representative Notice of Appearance. (The Notice of Appearance is provided to the applicant in the letter from the Director. See section 1).
5. Once the matter is transmitted to the OAL Clerk's office, it is docketed and assigned to an A.L.J. The OAL sends the parties (the Applicant and the Sandy Recovery Division) a Notice of Filing, which includes the transmittal date and docket number(s) associated with the applicant's OAL matter.
6. After an A.L.J. is assigned to the matter, his/her chambers reaches out to the parties to find an agreeable date to schedule the prehearing conference.

7. Prior to the prehearing conference, the SRD Appeals Unit contacts the applicant via email, telephone and/or certified mail to request any missing documentation.
8. If the applicant provides acceptable documentation proof to establish program eligibility, the SRD Representative will resolve the matter prior to a fair hearing by way of settlement.
 - a. The settlement will be drafted by the assigned SRD Representative and sent to the applicant for their review and signature. If the applicant requires legal advice prior to signing the settlement, the applicant must seek counsel. The SRD Representative cannot provide legal advice at any point during the appeals process.
 - b. After the settlement is signed by the parties, it is forwarded to the assigned A.L.J. to be reviewed and placed on the record under oath and is usually conducted by phone.
 - c. After the A.L.J. closes the record on the settlement, the document is sent to the Commissioner of the New Jersey Department of Community Affairs (DCA) for approval. Please note, the Commissioner has forty-five (45) days from the date of his/her receipt of the signed settlement to issue his/her approval of the settlement.
9. If the matter cannot be resolved by way of settlement, a hearing date is scheduled during the prehearing or status conference unless the applicant requests additional time to gather more proof of program eligibility. The hearing date depends upon all of the parties' (including the A.L.J.) availability. Applicants have the right to request adjournments of telephone conferences and/or hearings. However, SRD rarely requests that matters be adjourned.
10. Depending on the complexity of the matter, number of witness and number of evidentiary documents, one (1) to six (6) Sandy hearings may be heard on the same day and each matter is generally presented within one to four hours.
11. The hearings are scheduled based on the location of the damaged primary residence and are held in the following locations:
 - a. Atlantic City;
 - b. Freehold;
 - c. Mercerville (Trenton); or
 - d. Newark.
12. No less than ten (10) days prior to the hearing, the SRD Representative will send discovery (documents that will be used at the hearing) by certified mail to the applicant. It is in the applicant's best interest to review the documents. If the applicant wishes to

supplement the discovery, the applicant must provide copies to the SRD Representative prior to the hearing.

13. If SRD requires additional documents to establish program eligibility, the SRD Representative will also send interrogatories (a list of questions that the applicant must provide prior to the hearing). Please note, each applicant can also submit interrogatories to the SRD Representative. Per N.J.A.C. 1:1-10.4(c), the party must respond to discovery requests and/or interrogatories within fifteen (15) days from receipt of the request.
14. On the day of the hearing, the applicant should be aware that each hearing is recorded and the testimony is taken under oath. The SRD Representative presents the Division's proofs for determining the applicant ineligible for the program(s). The applicant will have the opportunity to cross-examine the SRD Representative. The applicant will also be given the opportunity to present their case in support of program eligibility. After the applicant presents their case, they will be subject to cross-examination by the SRD Representative. When each party has presented its case, the record is closed.
15. After the record closes, the A.L.J. has forty-five (45) days to issue an Initial Decision, unless the A.L.J. requests an extension to issue his/her Initial Decision. If either party does not agree with the A.L.J.'s Initial Decision, the party has thirteen (13) calendar days from the date of the Initial Decision to file exceptions with the DCA Commissioner.
 - a. If exceptions are submitted, the party must cite specific reasons as to why the DCA Commissioner should disregard the A.L.J.'s Initial Decision. Once a party files exceptions, the opposing party has five (5) calendar days to file reply exceptions articulating why the A.L.J.'s Initial Decision should be upheld.
16. The Initial Decision, exceptions, and reply exceptions are reviewed by the DCA Commissioner and the Commissioner issues a Final Decision.
 - a. The DCA Commissioner has forty-five (45) days from the date of the Initial Decision to issue a Final Decision that either modifies, accepts or rejects the A.L.J.'s Initial Decision.
 - b. If the DCA Commissioner fails to issue a Final Decision within forty-five (45) days and no extension was requested, the A.L.J.'s Initial Decision is adopted as the Department's Final Decision pursuant to N.J.A.C. 1:1-18.6(e).
17. If the DCA Commissioner finds in favor of the applicant, SRD changes the applicant's status from ineligible to eligible and the applicant continues through the grant process.
18. If the applicant is deemed ineligible, SRD considers the applicant's file closed and the applicant is no longer eligible to proceed in the grant program(s).

- a. Please note: if the applicant wishes to appeal the DCA Commissioner's Final Decision, the applicant must submit their appeal directly to the New Jersey Superior Court, Appellate Division within forty-five (45) days of the Commissioner's Final Decision. For convenience, the mailing address for the Appellate Division is:

**Richard J. Hughes Justice Complex,
Post Office Box 006,
Trenton, New Jersey 08625-0006
Tel: 609-292-4822**

For further assistance with the appellate procedure, you can also review the New Jersey Judiciary website at:

- b. http://www.judiciary.state.nj.us/appdiv/forms/10837_appl_prose_kit.pdf

Note: The Initial and Final Decisions Appeals are public information. The OAL and DCA publish the Decisions on the Rutgers Law Library website. Neither OAL nor DCA publish any other documents related to the appeal. Additionally, the A.L.J. typically redacts the street address of the applicant, as the applicant's address is personal information.

The applicant may request copies of previous OAL decisions from the SRD Representative.

For questions concerning the appeals procedure, applicants should also review the OAL website at <http://www.state.nj.us/oal/> or contact the New Jersey Department of Community Affairs, Sandy Recovery Division, Appeals Unit at 609-292-6050.