SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-4932-15T2

J.L.,

Appellant,

v.

DEPARTMENT OF HUMAN SERVICES,
DIVISION OF FAMILY DEVELOPMENT,

Respondent.

Argued September 13, 2017 – Decided October 3, 2017

Before Judges Fuentes, Koblitz and Suter.

On appeal from Department of Human Services, Division of Family Development, Passaic County Board of Social Services Agency Docket No. C395404.

Stanley G. Sheats argued the cause for appellant (Northeast New Jersey Legal Services, Inc., attorneys; Mr. Sheats, on the briefs).

Victoria R. Ply, Deputy Attorney General, argued the cause for respondent (Christopher S. Porrino, Attorney General; Melissa H. Raksa, Assistant Attorney General, of counsel; Ms. Ply, on the brief).

PER CURIAM

J.L. appeals from the June 27, 2016 Department of Human Services, Division of Family Development's (DFD) denial of his request for housing Emergency Assistance (EA) after a hearing before an Administrative Law Judge (ALJ). J.L. subsisted on $322 monthly from Work First New Jersey/Temporary Assistance for Needy Families and $326 monthly from the Supplemental Nutrition Assistance Program while living with his mother for more than two years. He paid $150 monthly rent to her for the last nine months. J.L.'s mother wrote a letter stating J.L. and his son had to leave her residence on June 1, 2016. The ALJ found J.L. to be incredible, and found he was not homeless because his mother had not yet followed through on evicting him and his three-year-old son from her Section 8 housing although her June 1 deadline had passed.[1] DFD further found that J.L. had demonstrated no evidence of a job search and had therefore brought his imminent homelessness upon himself.

At appellate oral argument, J.L.'s counsel candidly admitted that we could offer J.L. no practical relief. See N.J. Div. of Youth & Family Servs. v. A.P., 408 N.J. Super. 252, 261 (App. Div. 2009) ("An issue is 'moot' when the decision sought in a matter,

[1] A court order awarded visitation to J.L. on alternate weekends and one evening during the week. J.L., however, maintained that his son lived with him and he was receiving benefits for both himself and his son. See N.J.A.C. 10:90-3.3; N.J.A.C. 10:90-2.7(a)(1).

when rendered, can have no practical effect on the existing controversy"). J.L. no longer claimed to be eligible for EA and the six-month period of ineligibility due to having caused one's own homelessness without good cause, N.J.A.C. 10:90-6.1(c)(3), had run its course. This appeal raises no issue of significant public importance that is capable of repetition, yet evades review. See State v. Robertson, 228 N.J. 138, 147 (2017) (deciding an issue because it was a matter of public importance likely to recur under the same temporal circumstances). We thus dismiss the appeal as moot.

We note, in the hope of avoiding repetition, that the hearing afforded J.L. was disconcerting in several respects. J.L. was prevented from completing his testimony about how he spent the money he received by the ALJ, who said:

> I've been more than patient. I've tried to help you. We're at — we're at the end of this hearing. There's not much more I need to hear, [counsel]. He's going to tell me he's bought Pampers. He's going to tell me he bought milk. He's going to tell me he bought food which he can do with the food stamps. He paid $150 to his mother. We can find that fact as well. We all agreed on it.

She also went off the record in the middle of the hearing. After turning the recording device on again, the ALJ noted that she "had several words with Mr. L. who has shown complete disrespect for the [c]ourt. I want the [DFD] to take note of that and I will

make note of it in a full written decision that will accompany — I'm not going to do it on a form anymore. I'm going back to my office and write a full written decision." She said to J.L., "I do find that you caused your own problem, because you didn't do much for 29 months and you did it with a three year old." The ALJ did not place on the record nor in her subsequent written opinion exactly what J.L. had said or done that she found so disrespectful. She did state in her opinion:

> It should be noted that Petitioner was completely uncontrollable during the hearing and had a terrible attitude. He was insubordinate on many occasions and I almost had to end the hearing to have him removed due to his total disregard for appropriate demeanor in a courtroom. To that end, I FIND he was a completely incredible witness and really had nothing much to say about what he did to prevent his own homelessness anyway.

J.L. was entitled to a full and fair hearing. Moiseyev v. New Jersey Racing Comm'n, 239 N.J. Super. 1, 10 (1989). If the ALJ determined that something significant occurred off the record, it was incumbent upon her to relate what had happened in sufficient detail to facilitate review by the agency and, if necessary, by us. See Baghdikian v. Board of Adjustment of Borough of Ramsey, 247 N.J. Super. 45, 51 (App. Div. 1991) (stating that "[d]isclosure on the record is also essential for proper appellate review, if necessary"). Without such a record, our only recourse is to remand

for another hearing. Under these circumstances no useful purpose would be served by such a remand.

Dismissed.