



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

THE OFFICE OF ADMINISTRATIVE LAW

The Office of Administrative Law (“OAL”) was established in 1979 to create a central independent agency to conduct hearings from appeals of determinations of administrative agencies, thus promoting due process, expediting the just conclusion of contested cases, and improving the quality of administrative justice. The Office of Administrative Law employs a corps of administrative law judges (“ALJ”) who hear contested cases for state agencies and issue initial decisions.

The Office of Administrative Law is an Executive Branch agency. While located in, but not of, the Department of Treasury, it is independent of supervision or control by the Department of Treasury. The Director and Chief Administrative Law Judge presides over the office and reports directly to the Governor.

Hearing requests are filed with the state agency having jurisdiction over the issue which then determines whether to grant the hearing request. Upon deciding that a matter should be heard as a contested case, the agency transmits the case to the Office of Administrative Law. Litigants cannot directly file a hearing request at the OAL.

The Office of Administrative Law hears cases from most state agencies but does not hear cases involving the State Board of Parole, the Division of Workers Compensation, the Division of Tax Appeals, the Public Employment Relations Commission, or the Department of Labor Unemployment Compensation cases.

Hearings are conducted by an administrative law judge according to the procedures established by statute and by the rules of the OAL. The rules can be found at [N.J.A.C. 1:1-1](#), and are linked to this website. The ALJ provides a neutral forum where the evidence of all parties is presented and considered.

Administrative law judges are full time in that position and cannot not hold other employment. An ALJ is appointed by the Governor and confirmed by the New Jersey

Senate, initially for a one-year term. After the one-year term, the Governor may reappoint the individual to a four-year term. Subsequent reappointment is for terms of five years and requires both the Governor's nomination and the Senate's confirmation.

In most cases, at the conclusion of the hearing the ALJ prepares an initial decision that is sent to the agency head. Litigants may file exceptions to the ALJ's ruling but must do so within the time allotted by the regulation.

The initial decision may be affirmed, modified, or rejected by the agency head within forty-five days of receipt of the initial decision. These time frames can be extended for good cause. Any change or modification to the initial decision must be explained in writing by the agency head and must specify in clear and sufficient detail the reason for the change or modification and the factual basis in the record for such change. If the agency head does not issue a final decision within forty-five days, unless the time frame has been extended, the initial decision becomes the final decision.

Appeals of the decisions of the agency heads are taken to the Appellate Division of the Superior Court.

In certain cases, such as special education, the decision of the administrative law judge is the final decision. Appeals are taken to the Federal District Court.

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The Office of Administrative Law also implements the provision of the Administrative Procedure Act concerning rulemaking, as explained in its website under Division of Rules.

The statutes under which the OAL is granted its authority are N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. These statutes may be accessed at <http://njlaw.rutgers.edu/cgi-bin/njstats/showsections.cgi?title=52&chapt=14B> and <http://njlaw.rutgers.edu/cgi-bin/njstats/showsections.cgi?title=52&chapt=14F>, respectively. This website's statutory database is updated daily by the Law Library of the Rutgers School of Law - Newark.

- The rules of the OAL are set forth in Title 1 of the New Jersey Administrative Code, and may be accessed at <http://www.lexisnexis.com/hottopics/njcode/>. This website's rules database is updated by LexisNexis concurrently with the publication of the printed updates to the New Jersey Administrative Code, which updates are published two weeks after publication of the New Jersey Register issue containing the rule changes included in the update. The OAL checks the

functionality and currency of this website upon publication of a New Jersey Administrative Code update.

The OAL may be contacted concerning the nonfunctioning of either of the websites in the two preceding paragraphs at Office of Administrative Law, PO Box 049, Trenton, NJ 08625-0049; oyal.comments@oyal.nj.gov; or (609) 438-6310.

To receive copies of rulemaking notices pertaining to rules promulgated by the OAL by e-mail, requests can be sent to oyal.comments@oyal.nj.gov to be added to the electronic mailing list.

Access to Administrative Law Decisions

Initial and final decisions are available from the following sources:

- Selected decisions prior to October 1991 can be found in New Jersey Administrative Reports (*N.J.A.R.*) and are available on a website maintained by Rutgers-Newark School of Law at: <http://njlegallib.rutgers.edu/njar/njarhome.htm>.
- Decisions from 1991 through September 1997 can be found in *N.J.A.R.2d*, a loose-leaf publication that arranges decisions according to agency.

Decisions from October 1997 to the present are not available in a hard-copy compilation; they can be found on a website maintained by Rutgers-Camden School of Law at: <https://njlaw.rutgers.edu/collections/oyal/>. In addition, some agencies post final decisions on the agency website. Links to those websites can be found at https://www.njstatelib.org/research_library/legal_resources/nj_legal_resources/administrative_law/