



State of New Jersey

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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

FINAL DECISION

OAL DKT. NO. HPW 06131-18 L.W.

AGENCY DKT. NO. C242692009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she failed to comply with her EA service plan ("SP") by failing to provide the Agency with proof of required job searches. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 3, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 4, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to conduct ten job searches per week. See Initial Decision at 3; see also Exhibit R-3. The Agency did not dispute that Petitioner had conducted the required job searches; however the Agency testified that Petitioner's EA benefits were terminated because she failed to provide photocopies of the confirmation pages for her on-line job searches. See Initial Decision at 3-4; see also Exhibits R-1, R-7. At the hearing, the Agency also acknowledged that some photocopies had been provided by Petitioner. See Initial Decision at 3. Specifically, 27 screenshot copies of website jobs had been provided to the Agency via email. *Id.* at 3 n.3. Petitioner testified that she is unable to provide the Agency with the required confirmation pages because she must go to the Motor Vehicle Commission office to access a computer, and that only ten pages per session may be copied. See Initial Decision at 3. The ALJ found that Petitioner complied with the job search requirement in her SP, that the SP does not require her to provide website job search confirmations, that requiring Petitioner to provide website confirmations is an undue hardship considering the fact that she does not have access to a home computer, and that the Agency failed to provide any credible evidence to substantiate its claim. *Id.* at 4-5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. *Ibid.*; see also Exhibit at R-1 and N.J.A.C. 10:90-6.6(a). Moreover, the ALJ concluded that any six-month EA ineligibility penalty that may have been imposed by the Agency must also be reversed. See Initial Decision at 2 n.2, 5; see also N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

Natasha Johnson

Director

MAY 15 2018

