



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON
Director

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 08392-18 M.K.

AGENCY DKT. NO. C256134009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of his Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he failed to provide certain necessary documents. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On June 27, 2018, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 2, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the ALJ's Initial Decision and, following an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

First, I hereby take official notice of the records of this office which reflect that Petitioner had a prior fair hearing on this same issue before the Honorable Kimberly A. Moss, ALJ, on May 3, 2018, under OAL Docket No. HPW 02255-18. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). In the course of that hearing before ALJ Moss, Petitioner contended that he did not speak English, and ALJ Moss determined that the hearing could not continue, or have a determination made on the contested issue, without an interpreter. I take further notice that a Final Agency Decision was issued in that matter on June 4, 2018, adopting the ALJ's Initial Decision, reversing the Agency's determination and remanding the matter to the Agency to provide an interpreter as necessary.

Here, in the current matter, the record reflects that Petitioner failed to provide documentation required by the Agency in order to continue his EA benefits. See Initial Decision at 2; see also Exhibit R-3. The Agency had requested the documentation on five separate occasions between October of 2017, and May of 2018, said requests having been made in writing in both English and Arabic. See Initial Decision at 2; see also Exhibit R-4. The record further shows that Petitioner's case worker was bilingual, speaking both languages, and for this hearing, Petitioner was provided with an Arabic interpreter. See Initial Decision at 2. After hearing the evidence presented and having assessed the credibility of the witnesses, the ALJ found that Petitioner had, indeed, failed to provide the required documentation, and



therefore concluded that the Agency's action in terminating Petitioner's EA benefits was proper. See Initial Decision at 3-4; see also Exhibit R-3, and N.J.A.C. 10:90-1.6. I agree.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Officially approved final version.

JUL 10 2018

Natasha Johnson

Director

