



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 06834-18 T.C.

AGENCY DKT. NO. S742816009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 31, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on May 31, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. *Ibid.* Also, pursuant to the Provisional Housing-Awaiting Supplemental Security Income/Social Security/Disability Insurance Eligibility ("PHASE") Pilot Program, continued eligibility for receipt of EA benefits under PHASE shall be contingent upon the PHASE benefits recipient's compliance with the terms of their SP. See N.J.A.C. 10:90-6.9(b)(4).

Here, the record reflects that Petitioner has received 35 months of EA benefits, and is receiving continued EA benefits under PHASE. See Initial Decision at 2; see also N.J.A.C. 10:90-6.9. On July 31, 2017, Petitioner executed an SP wherein he agreed, among other things, to go to the Agency office every two months with an updated status of his Supplemental Security Income/Social Security Administration ("SSI/SSA") claim, and if he was unable to do so, that he must contact the Agency. See Initial Decision at 2; see also Exhibit R-1. The Agency sent Petitioner a letter dated March 23, 2018,



reminding him that he must come into the office on April 13, 2018, with a status update of his SSI/SSA claim. See Initial Decision at 2; see also Exhibit R-2. Petitioner failed to appear at the office on that date. See Initial Decision at 2. The Agency then sent Petitioner a follow-up letter dated April 17, 2018, rescheduling his appointment for April 20, 2018. Ibid.; see also Exhibit R-3. Petitioner again failed to appear, and the Agency terminated his EA benefits. See Initial Decision at 2; see also Exhibit R-4, and N.J.A.C. 10:90-6.6(a). However, Petitioner testified, and the record substantiates, that Petitioner missed the April 13, 2018, appointment because he was admitted to the hospital on April 12, 2018, and was not discharged until April 18, 2018. See Initial Decision at 2; see also Exhibit P-1. Petitioner also testified that he received the follow-up appointment letter from the Agency on April 20, 2018, the same date on which he was to appear at the office, and that he called the Agency on the next business day to advise them of the reason why he failed to appear at both appointments. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to appear at the scheduled appointments, and as such, that he did not violate his SP. Id. at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). Therefore, the ALJ reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 4. I agree.

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

Officially approved final version.

JUN 13 2018

Natasha Johnson
Director

