



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 01696-18 T.R.

AGENCY DKT. NO. C222604009 (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 violated the terms of her EA service plan ("SP") by failing to provide documentation and keep appointments. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 7, 2018, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same day, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on February 15, 2018.

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 MODIFY 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 ineligibility for EA benefits. Ibid.

Here, Petitioner entered into two SPs with the Agency, on June 14, 2017, and August 10, 2017, wherein she was required, among other things to provide rent receipts and utility bills, and to follow up with her application for Supplemental Security Income ("SSI") benefits. See Exhibit R-1 at 7-8, 9-10. The Agency contended that Petitioner did not comply with those requirements, and as such, terminated her EA benefits, effective November 30, 2017, for non-compliance with her SPs. See Initial Decision at 3; see also Exhibits R-1 at 1-4, and N.J.A.C. 10:90-6.6(a). However, the ALJ found Petitioner credible when she testified that she had tried to provide all documentation to the Agency which, at times, the Agency refused to accept. See Initial Decision at 3. Further, the ALJ found that Petitioner had attended her rescheduled meetings with the Agency. Ibid.; see also Exhibits R-1 at 18-20, R-2. Based on the foregoing, the ALJ concluded that Petitioner attempted to comply with her SP, but was unable to, due to a lack of Agency assistance. See Initial Decision at 3. Therefore, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper, and ordered that the Agency provide Petitioner with back rent for the months of December, January, 2017, and February, 2018, plus three months of prospective EA benefits for the months of March, April, and May, 2018. See Initial Decision at 4; see also Exhibit R-1 at 1-4.

While I agree with the ALJ's conclusion with regard to back rent, I find that Petitioner is eligible for prospective EA benefits provided that she continues to need said benefits, and remains otherwise eligible for continued receipt of same. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.



By way of comment, Petitioner is advised that a failure to comply with her EA SP in the future may result in a termination of EA benefits for a period of six months. See N.J.A.C. 10:90-6.6(a).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

FEB 26 2018

Natasha Johnson
Director

