



State of New Jersey

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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 17776-18 A.M.

AGENCY DKT. NO. C267697009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the 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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 24, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 11, 2019, the ALJ issued an Initial Decision, affirming 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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of and complying with, a written and signed service plan. Ibid. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. Ibid.

Here, the record reflects that Petitioner executed three SPs, wherein she agreed, among other things, to conduct ten job searches per week, and to pay 30 percent of her share of the monthly rent. See Initial Decision at 2; see also Exhibit R-1 at 5-10; see also N.J.A.C. 10:90-6.6(a). The ALJ in this matter found that Petitioner failed to conduct the required job searches, and failed to provide receipts to the Agency evidencing that she had paid her required pro rata share of the monthly rent. See Initial Decision at 2, 4; see also Exhibit R-1 at 12-18, 21. Based on the foregoing, and an independent review of the record, I find that Petitioner failed to comply with her SPs, and on that basis, I concur with the ALJ's conclusion that the Agency properly terminated Petitioner's EA benefits, in accordance with N.J.A.C.



10:90-6.6(a). See Initial Decision at 4; see also Exhibit R-1 at 1-4. The Initial Decision is modified to reflect the applicable regulatory authority governing this matter. See Initial Decision at 3.

By way of comment, because I find that Petitioner failed to comply with her SP, I hereby impose upon her a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a). As Petitioner has been receiving continued assistance pending the outcome of the hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Also by way of comment, the transmittal in this matter indicates an additional contested issue regarding a sanctioning of Petitioner's WFNJ/TANF benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a sanctioning of WFNJ/TANF benefits, she may request another fair hearing on that issue alone.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

Natasha Johnson
Director

MAR 18 2019

