



State of New Jersey

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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 00735-19 A.O.

AGENCY DKT. NO. C709484007 (ESSEX COUNTY DIVISION OF WELFARE)

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") by failing to provide adequate housing searches. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 30, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 5, 2019, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

Here, Petitioner acknowledged that he executed an SP but claimed that he did not fully understand the requirements therein, or the consequences for noncompliance. See Initial Decision at 3; see also Exhibit R-1 at 8-11. The ALJ found that Petitioner has limited English comprehension and that the Agency was aware of that fact; that the Agency failed to provide Petitioner with a Spanish language SP or Notices; and that the Agency failed to explain the requirements contained within the English language documents provided. See Initial Decision at 3-4; see also Exhibit R-1 at 8-20, and N.J.A.C. 10:90-1:10. Based on the foregoing, the ALJ concluded that Petitioner's language barriers provided good cause for his failure to comply with the SP. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits and the imposition of a six-month EA ineligibility penalty were improper, and ordered the Agency to provide Petitioner with six months of EA benefits. See Initial Decision at 4; see also Exhibit R-1 at 16-20. The ALJ also ordered the Agency to assist Petitioner with obtaining a completed MED-1 form. See Initial Decision at 3-4. While I agree with the ALJ's reversal of the Agency's determination, I find that Petitioner is only eligible for up to six months



of EA benefits, as well as any prospective EA benefits thereafter, provided he continues to remain eligible for same. See N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

MAR 13 2019

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Natasha Johnson  
Director

