



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 03897-19 F.D.

AGENCY DKT. NO. S750671009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that he failed to comply with WFNJ protocol. 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 cooperate with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") treatment plan, and because he was evicted from an EA placement and refused subsequent Agency offered housing placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 27, 2019, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 28, 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 ADOPT WITH CONTINGENCIES the ALJ's Initial Decision, and REVERSE the Agency's determination.

The record reflects that at the time of the hearing, the Agency informed the ALJ that Petitioner's WFNJ/GA benefits case was in the process of being reopened pending receipt and/or review of Petitioner's MED-1 form and Supplemental Security Income benefits documentation. As such, the only matter addressed at the hearing was the termination of Petitioner's EA benefits. See Initial Decision at 2.

Here, the ALJ found that the Agency's claim that Petitioner had violated the terms of his SP, by failing to comply with the SAI/BHI program, was hearsay, not supported by sufficient competent evidence in the record. See Initial Decision at 4-5, 7-8; see also Exhibit R-1 at 11-14, 28-31, 32-38, and N.J.A.C. 1:1-15.5. The ALJ also found that the Agency's evidence fell short of demonstrating that Petitioner's behavior directly caused his eviction and consequent homelessness. See Initial Decision at 3, 7; see



also Exhibit R-1 at 21-27, 39. Further, the record reflects that although Petitioner refused a housing placement when offered on March 12, 2019, the Agency had given him a letter and forms to provide to a landlord when he located another housing arrangement. See Initial Decision at 3; see also Exhibit P-1 at 5-7. On March 25, 2019, Petitioner went into the Agency to advise them that he had located housing, available on April 1, 2019, but at that time he was informed that his EA benefits had been terminated, effective March 14, 2019. See Initial Decision at 3-4; see also Exhibit R-1 at 1-5. However, in light of the fact that after his initial housing placement refusal, Petitioner was given paperwork by the Agency to seek another housing arrangement, the ALJ found that the Agency's termination of Petitioner's EA benefits on the basis that Petitioner had refused housing was not reasonable. See Initial Decision at 3-4; see also Exhibit R-1 at 1-5. Based on the foregoing, the ALJ concluded that the Agency failed to demonstrate by a preponderance of the competent, credible evidence, that the termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were warranted. See Initial Decision at 8; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.1(c)(3), -6.6(a). Accordingly, the ALJ concluded that Petitioner is eligible for EA benefits. See Initial Decision at 8. I agree. However, I find that Petitioner's receipt of EA benefits is contingent upon him first being found eligible for WFNJ/GA benefits. See N.J.A.C. 10:90-6.2(a) (limiting EA benefits eligibility to WFNJ and SSI benefits recipients).

By way of comment, Petitioner is advised that any future violation of the terms of his SP may result in the termination of his EA benefits and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.6(a).

By way of further comment, if Petitioner is denied WFNJ/GA benefits, he may request another fair hearing on that issue alone.

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

Officially approved final version.

Natasha Johnson
Director

APR - 3 2019

