



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 02912-19 J.B.

AGENCY DKT. NO. C234724009 (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 March 14, 2019, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 18, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner executed an SP wherein he agreed, among other things, to provide the Agency with certain documentation, and to attend all Agency appointments. See Initial Decision at 2; see also Exhibit R-1 at 7-8. Petitioner was also provided with three "30 Day Notices," advising him of the documents still required to be provided to the Agency, as well as upcoming appointments. See Initial Decision at 3-5; see also Exhibit R-1 at 5, 11, 22. On January 18, 2019, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner had failed to attend two Agency appointments on December 20, 2018, and January 17, 2019, and failed to provide a copy of his most recent paystubs, his rent receipt for January 2019, and his utility bill, in violation of his SP. See Initial Decision at 5-6; see also Exhibit R-1 at 1-4, 22-24, and N.J.A.C. 10:90-6.6(a). However, the ALJ found that, although there had been a delay in Petitioner providing the Agency with his paystubs and/or reporting his income to the redetermination unit, these directives were not specifically addressed in the SP. See Initial Decision at 7. Moreover, the ALJ found that the Agency could have obtained Petitioner's employment earnings in December 2018, but had elected not to. *Ibid.* Further, the ALJ found Petitioner credible when he testified that he did not receive the December 21, 2018, "30 Day Notice" requiring him to provide his rent receipt for January 2019, his utility bill, and to attend the January Agency appointment. See Initial Decision at 5; see also Exhibit R-1 at 22. The ALJ also found that Petitioner had good cause for failing to attend the January Agency appointment because he did not receive the aforementioned notice, and that his failure to attend the December Agency appointment did not warrant the termination of Petitioner's EA benefits and the imposition of a six-month EA ineligibility penalty, particularly in light of the fact that Petitioner had secured full-time employment, and is moving toward self-sufficiency, "which is plainly the goal sought to be achieved through the provision of EA benefits." See Initial Decision at 7. Based on the foregoing, 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 must be reversed. *Id.* at 7-8; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.



As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

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

Officially approved final version.

MAR 25 2019

Natasha Johnson
Director

