



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 10506-18 M.W.

AGENCY DKT. NO. C280512004 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the termination Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he failed to comply with his EA service plan ("SP") by failing to comply with WFNJ requirements and for failing to show up at scheduled appointments. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2018, the Honorable Susan L. Olgiate, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until November 28, 2018, to allow the Agency to produce additional documentation of non-compliance, and to allow Petitioner the opportunity to respond thereto, after which the record then closed.

On December 19, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency contended that Petitioner's EA benefits were terminated on July 23, 2018, because he had violated the terms of his SP by failing to show up on time, or at all, to scheduled appointments with the Agency; by failing to comply with shelter rules, resulting in his removal from three shelter placements; and by failing to provide landlord documentation, evidencing that he had been trying to secure permanent housing. See Initial Decision at 2; see also Exhibits R-1 at 7-13, R-2, and N.J.A.C. 10:90-6.6(a). Of note, the ALJ did not address any SP violations which occurred after the termination of Petitioner's EA benefits on July 23, 2018. See Initial Decision at 8 n.3. The ALJ found that Petitioner had good cause, due to medical issues, for failing to show up at his appointments as scheduled; that the Agency had failed to meet its burden of proof regarding its claim that Petitioner violated his SP by failing to comply with shelter rules, as such proof was based on hearsay; that Petitioner had provided the housing searches required pursuant to his SP; and that the Agency had failed to provide competent evidence refuting Petitioner's claim that one landlord had provided the Agency with documentation, and that the other documents, which were to be completed and returned by the landlords, but were not, were outside of Petitioner's control. See Initial Decision at 6-9; see also Exhibit R-1 at 7, 8, and 13. 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. See Initial Decision at 9; see also Exhibit R-1 at 9-12. 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.



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By way of comment, the transmittal in this matter indicates an additional contested issue regarding a sanctioning of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a sanctioning of WFNJ/GA benefits, he may request another fair hearing on that issue alone.

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

Officially approved final version. **JAN 10 2013**

Natasha Johnson
Director

