



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 08431-19 R.A.

AGENCY DKT. NO. C111140011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he had sufficient Supplemental Security Income benefits to pay his rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 16, 2019, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 29, 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 the ALJ's Initial Decision, and REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-9.1(b), an Agency must provide both adequate and timely notice advising of a termination, denial or suspension of welfare benefits. Adequate notice is a written notice outlining the intended action, the reasons for the action, and citing to the specific regulation(s) supporting the intended action. N.J.A.C. 10:90-9.1(a). Timely notice is defined as "a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action." N.J.A.C. 10:90-9.1(b)(1).

Here, by notice dated June 7, 2019, the Agency terminated Petitioner's EA benefits on the basis that his rent was affordable on his income, and cited to "N.J.A.C. 10:90-6.1(C)1ii" as the specific regulatory authority for such termination. See Initial Decision at 4; see also Exhibit R-1. Although the record substantiates that Petitioner has sufficient income to pay his rent, and as such, would be ineligible for EA benefits, the ALJ found that Petitioner was not properly noticed of said termination. See Initial Decision at 2-4; see also Exhibits R-1, R-3, R-6. Specifically, the ALJ found that the Agency had cited to incorrect regulatory authority as support for its termination of Petitioner's EA benefits, and therefore, Petitioner had not received adequate notice of the Agency's adverse action. See Initial Decision at 3-5; see Exhibit R-1, and N.J.A.C. 10:90-9.1(a)(1)(iii). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-1. I agree.



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

Officially approved final version.

AUG 28 2019

Natasha Johnson

Director

