



State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

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 02641-19 S.K.

AGENCY DKT. NO. C091500003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and the termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2019, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 3, 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.

N.J.A.C. 10:90-6.3(g) states that, "[p]rior to EA termination, the agencies shall review, with the recipient, the reason(s) for the termination. If additional barriers are identified that may have prevented EA compliance, then the recipient is considered to have good cause and shall not be terminated and a penalty shall not be imposed. The recipient shall be required to follow through with services to address those barriers for continued EA eligibility. Such services shall be identified as mandatory activities in the [SP]."

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed service plan. Ibid. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. Ibid.

Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to complete ten affordable housing searches by the 15th of each month, and to continue to provide



timely documentation as required. See Initial Decision at 2; see also Exhibit R-3. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her SP by failing to complete the required housing searches, and by failing to provide requested documentation regarding the status of her Supplemental Security Income ("SSI") claim, as well as a letter from her substance abuse/mental health treatment facility. See Initial Decision at 3; see also Exhibit R-5, and N.J.A.C. 10:90-6.6(a). However, the ALJ found that Petitioner had subsequently provided the requested treatment facility letter to the Agency, that the Agency failed to provide proof that it had requested a letter from Petitioner's legal representative regarding the status of her SSI claim, and that Petitioner's substance abuse/mental health diagnoses constituted good cause for her failure to provide the Agency with the required housing searches. See Initial Decision at 3-5; see also Exhibits R-7, R-8. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to comply with her SP, and that the Agency's termination of Petitioner's EA benefits, thereby rendering her ineligible for EA benefits for a period of six months, was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(g), -6.6(a). I agree.

By way of comment, as the record indicates that Petitioner has substance abuse/mental health issues, which appear to prevent her from compliance with EA benefits eligibility requirements, Petitioner "shall be required to follow through with services to address those barriers for continued EA eligibility." See Initial Decision at 3, 5; see also Exhibits R-2 through R-5, and N.J.A.C. 10:90-6.3(g). Further, "such services shall be identified as mandatory activities in the [SP]." See N.J.A.C. 10:90-6.3(g); see also N.J.A.C. 10:90-6.6(a)(1)(iii)(7). Finally, Petitioner is advised that any future violation of her SP, or failure to follow through on searching for permanent affordable housing, may result in the termination of 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, the transmittal in this matter indicates a contested issue regarding a sanctioning of 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, she may request another fair hearing on that issue alone.

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

Officially approved final version.

Natasha Johnson
Director

MAY - 2 2019

