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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 00240-19 T.W.

AGENCY DKT. NO. C114060020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and Emergency Assistance ("EA"), benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because his income was over the eligibility level for receipt of said benefits, and terminated Petitioner's EA benefits contending that he had sufficient income to pay for housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 9, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner and his daughter, a Supplemental Security Income ("SSI") recipient, had received five months of EA benefits in the form of shelter placement, as of December 2018. See Initial Decision at 2; see also Exhibit R-2. The Agency initially terminated Petitioner's EA benefits, effective October 31, 2018, because he was no longer a WFNJ/TANF benefits recipient due to his earned income. See Initial Decision at 2; see also Exhibit R-1 at 1-5, 21-25, 46, and N.J.A.C. 10:90-6.2(a). However, because Petitioner's daughter was an SSI benefits recipient, Petitioner reapplied for EA benefits on November 11, 2018, and was granted same on behalf of his SSI child. See Initial Decision at 2; see also Exhibit R-1 at 2, 6-13, and N.J.A.C. 10:90-6.2(a). On December 5, 2018, Petitioner went to the Agency to execute an EA service plan ("SP"), at which time he received a phone call from his employer informing him that his services were no longer needed. See Initial Decision at 2-3. Nevertheless, on that same date, the Agency terminated Petitioner's EA benefits, effective December 31, 2018, contending that he had sufficient household income to pay for housing. Id. at 3; see also Exhibit R-1 at 41-45, and N.J.A.C. 10:90-6.1(a)(1), -6.1(c)(1)(ii), -6.1(c)(2).

The ALJ found that Petitioner is currently unemployed, that he has not exhausted his 12-month lifetime limit of EA benefits, that he has done his housing searches in compliance with his SP, that he has made a good faith and diligent effort to find affordable housing but has not been successful, and that he has applied for Unemployment Insurance Benefits ("UIB"). See Initial Decision at 3-4; see also Exhibits R-1 at 16-20, 26-28, 30-40, and R-2 at 1. The record also reflects that Petitioner had sufficient funds



while employed to plan for and secure permanent affordable housing, and, although no substantiating documentation was provided, Petitioner claimed those funds were spent on helping his two adult sons, as well as his minor daughter. See Initial Decision at 3. Moreover, it is not clear from the record that those funds were spent on items deemed necessary or reasonable for daily living. See Initial Decision at 3; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Based on the foregoing, the ALJ concluded that Petitioner is eligible for EA benefits in the form of continued shelter placement for one month, giving him time to obtain his UIB determination, time to find employment, and time to secure permanent housing. Id. at 4; see also N.J.A.C. 10:90-6.1(c), -6.3. Further, the ALJ concluded that Petitioner is without prejudice to reapply for EA benefits should his circumstances warrant same, and if he chooses to do so, he is to provide the Agency with documentation demonstrating how he spent the earnings from his previous employment from September 11, through December 5, 2018. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Accordingly, the ALJ reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 4. 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.

By way of comment, the transmittal in this matter indicates an additional contested issue regarding a termination of WFNJ/TANF benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of WFNJ/TANF 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 15 2019

Natasha Johnson

Director

