



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 00957-20 R.C.

AGENCY DKT. NO. C082631008 (GLOUCESTER COUNTY DIV. OF SOC. 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 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 January 24, 2020, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 27, 2020, the ALJ issued an Initial Decision, affirming 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 MODIFY the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

Pursuant to applicable regulatory authority, EA benefits shall not be discontinued, due to a sanction for noncompliance with the Work First New Jersey ("WFNJ") work requirement, until one month after all WFNJ cash assistance has been terminated and the case closed due to the failure to correct a sanction. See N.J.A.C. 10:90-4.13(e), -6.1(c)(5).

Here, the record reflects that Petitioner executed two SPs wherein she agreed, among other things, to comply with her WFNJ work activity, to attend all Agency scheduled meetings, and to comply with shelter rules. See Initial Decision at 2-3; see also Exhibit R-1 at 6-15. The ALJ found, and Petitioner acknowledged, that she had failed to attend her monthly review scheduled for December 5, 2019, and had failed to attend a housing workshop scheduled for December 18, 2019. See Initial Decision at 3-4; see also Exhibit R-1 at 9, 16. The record also reflects that Petitioner violated the shelter's health and safety policies on at least 38 occasions. See Initial Decision at 3; see also Exhibit R-1 at 23-62, and N.J.A.C. 10:90-6.3(c)(5). The ALJ also found that Petitioner had not presented any good cause reason for such SP violations. See Initial Decision at 4-5. 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 proper and must stand. Id. at 6; see also Exhibit R-1 at 3, and N.J.A.C. 10:90-6.6(a). I agree.

Further, the ALJ found that the Agency's termination of Petitioner's EA benefits due to a sanctioning of her WFNJ benefits for failure to comply with her mandatory work activity, and her continued non-compliance, was also proper and must stand. See Initial Decision at 3, 5; see also Exhibit R-1 at 3, 64. However, I find that, despite the fact that Petitioner was sanctioned for failure to participate in her required WFNJ work activity, in accordance with the applicable regulatory authority referenced above, Petitioner would have remained eligible for EA benefits until one month after her cash assistance had terminated and her WFNJ/TANF benefits case had closed, but for the SP violation, as discussed above. See Exhibit R-1 at 64; see also N.J.A.C. 10:90-4.13(e), -6.1(c)(5). The Initial Decision and the Agency's determination are modified to reflect this finding.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from the effective date of the Agency's termination of Petitioner's EA benefits, January 20, 2020, through July 19, 2020. See Exhibit R-1 at 3.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

FEB - 4 2020

