



State of New Jersey

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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 **06281-23 A.G.**

AGENCY DKT. NO. **S629328012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the termination of his Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that he failed to timely advise the Agency that he had become employed, and that his employment income put him over the WFNJ/GA benefit level allowable for receipt of said benefits. The Agency terminated Petitioner's EA benefits because he was not a WFNJ benefits recipient, nor a Supplemental Security Income ("SSI") benefits recipient, and imposed a six-month EA ineligibility penalty, contending he had violated his EA service plan ("SP") by failing to provide the required monthly housing searches. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 19, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 20, 2023, the ALJ issued an Initial Decision, affirming in part, and reversing in part, the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-8. Specifically, the ALJ found that Petitioner had failed to timely advise the Agency of his employment income within ten-days of his first paycheck, as required. See Initial Decision at 2-4, 6-7; see also N.J.A.C. 10:90-1.13(a), -3.8(b)(1). The ALJ also found, and Petitioner acknowledged, that he was capable and able to timely advise the Agency of his employment and to provide such required income information, but failed to do so. See Initial Decision at 3-7. Further, the ALJ found that upon learning of Petitioner's employment, the Agency determined that said income put him over the allowable benefits level for WFNJ/GA eligibility for an assistance unit of one, and accordingly, terminated his WFNJ/GA benefits. See Initial Decision at 2; see also Exhibits R-1, R-2, R-3, R-6 and N.J.A.C. 10:90-3.1(c), -3.5(b). The ALJ also concluded that due to Petitioner's failure to report income, he was ineligible for any income disregards. See Initial Decision at 6-7; see also N.J.A.C. 10:90-3.8(b)(1). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 6-8; see also Exhibit R-5. I agree.



Additionally, the ALJ concluded that because Petitioner was not a WFNJ or SSI benefits recipient, he was ineligible for EA benefits, and as such, concluded that the Agency's termination of Petitioner's EA benefits, on that basis, was proper and must stand. See Initial Decision at 2-3, 7-8; see also Exhibit EA R-11, and N.J.A.C. 10:90-6.2(a). The ALJ also found that Petitioner had failed to conduct the required monthly housing searches in accordance with the terms of his SP, and that he had not asserted that he suffered from any impairment that would have prevented him from conducting such searches. See Initial Decision at 4-8; see also Exhibits EA R-1 through EA R-9, and N.J.A.C. 10:90-6.6(a)(1)(iii)(5), (6), (7). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, on that basis, was proper and must stand. See Initial Decision at 7-8; see also Exhibit EA R-11. I also agree. However, the ALJ found that a six-month EA ineligibility penalty was not warranted because it was not clear from the record that the required housing searches were a mandatory activity of the SP, or that Petitioner was notified that his failure to comply with his SP would result in a six-month EA ineligibility penalty. See Initial Decision at 8; see also Exhibits EA R-1, EA R-3, EA R-5, EA R-8. Therefore, the ALJ reversed the Agency's imposition of a six-month EA ineligibility penalty. See Initial Decision at 8. I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's terminations of Petitioner's WFNJ/GA and EA benefits are AFFIRMED, and the imposition of a six-month EA penalty is REVERSED.

Officially approved final version. July 26, 2023

Natasha Johnson
Assistant Commissioner

