



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 **04874-23 B.R.**

AGENCY DKT. NO. **C345974016 (PASSAIC 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 she had failed to comply with their EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 7, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open until June 8, 2023, to allow written submissions in lieu of oral argument.

On June 9, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, on February 16, 2023, Petitioner executed an SP wherein she agreed, among other things, to pay 30 percent of her household income directly to the landlord on a timely basis, and to prioritize personally paying that 30 percent out of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") over other required financial payments. See Initial Decision at 2, 4; see also Exhibit R-3, and N.J.A.C. 10:90-6.6(a). The ALJ also found that Petitioner had executed four "Tracking Forms" wherein Petitioner's responsibility to pay her portion of the rent was set out in detail. See Initial Decision at 2-4; see also Exhibit R-2. Further, the ALJ found, and Petitioner acknowledged, that she had failed to comply with her SP by failing to pay her required portion of the rent, resulting in eviction proceedings being brought against her. See Initial Decision at 3-4; see also Exhibits P-1, R-10. Moreover, the ALJ found that Petitioner had not stated that she had misunderstood her obligation to pay her portion of the rent. See Initial Decision at 4. Although Petitioner claimed that her portion of the rent should have been paid directly to the landlord by the Agency out of her WFNJ/TANF benefits, and that her mental health issues excused her failure to pay her rental obligation, the ALJ found her claims to be without merit. See Initial Decision at 4; see also Exhibits P-2, P-3, and R-13. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, without good cause, and as such, concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree. Accordingly, the ALJ imposed a six-month period of ineligibility for EA benefits upon Petitioner. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a). I also agree.



Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on June 12, 2023.

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, Petitioner is advised that her six-month EA ineligibility penalty shall run from June 17, 2023, the effective date of the Agency's termination, through December 16, 2023, unless otherwise lifted by the Agency. See Exhibit R-1.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. June 20, 2023

Natasha Johnson
Assistant Commissioner

