



State of New Jersey

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

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 **09828-22 C.D.**

AGENCY DKT. NO. **C066522012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that she failed to apply for Supplemental Security Income ("SSI") benefits, and terminated Petitioner's EA benefits, contending that she was not a WFNJ or SSI benefits recipient, and that she had 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, 2023, the Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record remained open to allow Petitioner the opportunity to submit additional documentation and then closed on January 27, 2023.

On February 17, 2023, the ALJ issued an Initial Decision, reversing the Agency's WFNJ/GA benefits termination, and affirming the Agency's EA benefits termination. Here, the ALJ found that Petitioner had unknowingly applied for Retirement, Survivors, and Disability Insurance ("RSDI") benefits instead of SSI benefits, as required, that she had provided the Agency with timely proof that she had done so, and that she had sought the assistance with her SSI application from Legal Services. See Initial Decision at 2-8; see also Exhibits P-1 through P-5, R-1, R-2 at 1, 9-10, ER-7 at 11-12, 17, and N.J.A.C. 10:90-1.12, -4.10(a)(2)(i). The ALJ also found that the Agency had knowledge of Petitioner's mental health issues, and Petitioner had been working to address her mental health issues. See Initial Decision at 2, 4-5, 9; see also Exhibits R-2 at 4, ER-11, 12, 13. Nevertheless, the ALJ found that the Agency had failed to communicate to Petitioner that she had mistakenly applied for RSDI benefits instead of the required SSI benefits, and failed to assist her with the SSI application process, or refer her to Legal Services for such assistance. See Initial Decision at 7-8, 10. Based on the testimony and evidence provided, the ALJ found that Petitioner had good cause for failing to apply for SSI benefits, and accordingly, concluded that the Agency's termination of Petitioner's WFNJ/GA benefits was improper and must be reversed. See Initial 7-12; see also Exhibit R-3, and N.J.A.C. 10:90-2.2(d). I agree.

Further, the record reflects that Petitioner executed an SP, wherein she agreed, among other things, to conduct and provide proof of housing searches, at issue here. See Initial Decision at 3-4; see also Exhibits ER-2, ER-4, ER-13, and N.J.A.C.10:90-6.6(a). The ALJ found that Petitioner had failed to



provide the required proofs of housing searches, without good cause, and as such, she had violated the terms of her SP. See Initial Decision at 7-9; see also Exhibit P-5. Based on the foregoing, the ALJ concluded that the termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 11-12; see also Exhibit ER-5, and N.J.A.C. 10:90-6.6(a). I also agree. Of note, the record substantiates that Petitioner has been addressing her mental health issues, and is in compliance with her SP, in that regard. See Initial Decision at 4-5; see also Exhibits ER-2, ER-11, ER-12, ER-13.

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, I find that no six-month EA benefits ineligibility penalty was imposed by the Agency, and based on Petitioner's particular mental health circumstances, I find that no such penalty shall be imposed herein. See Initial Decision at 2; see also Exhibit R-3, and N.J.A.C. 10:90-6.1(c)(1)(iii), -6.3(i)(1). Therefore, Petitioner is advised that she may reapply for EA benefits.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's GA benefits determination is REVERSED, and the Agency's EA determination is AFFIRMED.

Officially approved final version. April 4, 2023

Natasha Johnson
Assistant Commissioner

