



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
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 13537-18 J.S.

AGENCY DKT. NO. C067081015 (OCEAN COUNTY BOARD 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") by failing to timely provide housing searches to the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 30, 2018, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for Petitioner to submit e-mail documentation. Said documentation was submitted on November 1, 2018, and on that date the record closed.

On November 19, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to complete ten housing searches per month, and that she was to provide housing searches for June and July 2018, to the Agency. See Initial Decision at 1, 4-5; see also Exhibit R-2. Petitioner's SP was silent as to when those housing searches were due to the Agency; however, Petitioner testified that she was advised by the Agency to provide her June, July, and August 2018, housing searches by her next appointment date, September 13, 2018. See Initial Decision at 3-4; see also Exhibit R-2. Upon realizing that Petitioner's housing searches, and a copy of her lease, were needed prior to September 13, 2018, so that the Agency could request additional EA benefits for Petitioner through August 2018, the Agency attempted to call Petitioner on two separate occasions to advise her of same. See Initial Decision at 2, 4-5. When the Agency was unable to contact Petitioner, it terminated her EA benefits, effective September 1, 2018, and imposed a six-month EA ineligibility penalty, on the basis that she had violated her SP by failing to provide timely housing searches. See Initial Decision at 2, 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a).

However, the ALJ found, Petitioner credible when she testified that her cell phone was broken and therefore, she was unable to receive the Agency's phone calls; that Petitioner's SP did not state a specific date upon which Petitioner was to provide her housing searches to the Agency; that the Agency's case worker had advised Petitioner to provide the searches at their next meeting scheduled for September 13, 2018, upon which Petitioner relied; and that Petitioner had indeed timely provided the Agency with her June, July, and August 2018, housing searches on September 12, 2018. See Initial Decision at 3-5; see also Exhibits S-1, S-2. Based on the foregoing, the ALJ concluded that Petitioner had not violated her SP, and that the Agency's termination of Petitioner's EA benefits, and its imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 6; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.



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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.

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

Officially approved final version.

DEC 20 2010

Natasha Johnson

Director

