



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 08940-18 L.P.

AGENCY DKT. NO. S497996012 (MIDDLESEX COUNTY BD. 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 Petitioner violated the terms of her EA service plan ("SP") by failing to report a change in household composition or income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 5, 2018, the Honorable Susan L. Olgati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents, and the record closed. The record was reopened on October 25, 2018, to allow the Agency to provide additional documentation, and then closed on October 29, 2018, upon receipt of such documentation. On November 19, 2018, 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 ADOPT the Agency's determination.

Here, the record reflects that Petitioner executed several EA benefits applications and SPs, wherein she agreed, among other things, to report a change in household composition or income. See Initial Decision at 2; see also Exhibits R-A through R-J. The ALJ found that the Agency's investigator presented credible testimony and competent documentation to establish that Petitioner had failed to report to the Agency that her boyfriend had moved into her apartment, that her rent had been increased due to her boyfriend moving into her apartment, and that her boyfriend was responsible for contributing \$400 per month toward the payment of her increased rent. See Initial Decision at 3-4, 8-11; see also Exhibits R-P, R-Q, R-R, and N.J.A.C. 1:1-15.5. Although Petitioner contended that her boyfriend was never living with her, she did not provide any other explanation for the increased rent, and the ALJ did not find her testimony credible. See Initial Decision at 5-7; see also Exhibits R-N, R-Q. Based on the foregoing, the ALJ concluded that Petitioner failed to comply with her SP, and that the Agency's May 1, 2018, termination



of Petitioner's EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 11; see also Exhibit R-S, and N.J.A.C. 10:90-6.6(a). I agree.

However, based on an independent review of the record, I disagree with the ALJ's finding that from January through March 2018, the full amount of Petitioner's Temporary Rental Assistance ("TRA") went directly to Petitioner, rather than going directly to her landlord. See Initial Decision at 6 n.3. Rather, I find that the payment history and TRA contract substantiate that all TRA payments were made to Petitioner's landlord on her behalf, which is the procedural policy. See Exhibits R-O, R-T. Further, I find that in conversations with, and emails to, the Agency's investigator, Petitioner's landlord indicated that he had received the Agency's TRA payments, but that he was still owed the increased rental payment of \$400 for the months of January through March of 2018. See Initial Decision at 4; see also Exhibits R-R, R-V. The Initial Decision is modified to reflect this finding.

By way comment, as it appears from the record that Petitioner has been receiving continued assistance pending the outcome of the fair hearing, see Exhibit R-T, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

DEC 27 2018

Natasha Johnson

Director

