



State of New Jersey

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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 00153-18 S.E.

AGENCY DKT. NO. C692000007 (ESSEX COUNTY DIVISION OF WELFARE)

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 failed to comply with the shelter agreement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2018, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 16, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record indicates that Petitioner failed to comply with her shelter agreement by violating the curfew policy, failing to maintain cleanliness of her unit, and failing to abide by program rules, resulting in her termination from the shelter, and the termination of her EA benefits for a period of six months. See Initial Decision at 2-3; see also Exhibits R-1, R-2. However, the ALJ found that a curfew violation is a minor violation, which does not warrant a termination of Petitioner's EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.3(e). Further, the ALJ found that the shelter did not provide a description of the alleged lack of cleanliness of the unit, and therefore, under the circumstances, it cannot be said that the situation amounted to a violation of health or safety policies, such that a termination of Petitioner's EA benefits would be warranted. See Initial Decision at 4; see also Exhibits R-1, R-3, and N.J.A.C. 10:90-6.3(c)(5). Rather, the ALJ noted that the lack of cleanliness claim, without more, is also a minor violation. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(e). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(e). I agree.

Exceptions to the Initial Decision were filed by the Agency on January 19, 2018.

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.

By way of comment, the transmittal in this matter indicates additional contested issues regarding a sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the repayment of back WFNJ/TANF benefits, which were not addressed by the ALJ in the Initial Decision. Of note, the record reflects that a sanction was imposed on the WFNJ/TANF benefits of a member of Petitioner's assistance unit, but not Petitioner herself. See



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Exhibit R-2 at 2. Therefore, if there is still has an issue concerning a sanctioning of WFNJ/TANF benefits and payment of back benefits, another fair hearing may be requested on that issue alone.

By way of further comment, I have reviewed the Agency's Exceptions, 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 REVERSED.

Officially approved final version.

JAN 25 2018

Natasha Johnson

Director

