



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 18207-18 W.B.

AGENCY DKT. NO. C208205009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 22, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 5, 2019, the ALJ issued an Initial Decision, reversing 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 REVERSE the Agency's determination, as discussed below.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed SP. Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated for a period of six months. Ibid.

Here, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to pay his portion of the rent, to provide proof of payment of his utility bill, and to submit proof of ten completed job searches. See Initial Decision at 2. Petitioner testified that he had complied with some of the SP requirements, to the best of his ability, but that he did not understand some of the other requirements set forth in the SP. Id. at 2, 5. The ALJ found Petitioner's testimony credible, and found that the Agency failed to provide any proof that it had explained to Petitioner the requirements set forth in his Individual Responsibility Plan ("IRP"). Id. at 5. Moreover, the record indicates that neither the Agency, nor Petitioner, provided a copy of an SP at the hearing, such that the clarity of the requirements expected of Petitioner, as set forth therein, could be determined. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination was improper and must be reversed. Ibid.; see also Exhibit R-1.



While I agree with the ALJ's ultimate conclusion in this matter, I disagree with ALJ's legal analysis, as it was based on requirements set forth in an IRP, a document which pertains to Work First New Jersey cash benefits, rather than an SP, which sets for the requirements for continued receipt of EA benefits. See Initial Decision at 2-5; see also N.J.A.C. 10:90-4.8, -6.6(a). The Initial Decision is modified to reflect this finding.

By way of comment, the Agency is directed to prepare, and have executed, a new EA SP, taking into consideration Petitioner's circumstances, and to clearly explain to Petitioner what is required of him in order for him to continue to remain eligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a). Petitioner is advised that failure to comply with the terms of his SP will result in the termination of his EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a). Petitioner is also advised that he should apply for child care services provided by the Agency. See Initial Decision at 3.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.

FEB 11 2019

Natasha Johnson

Director

