



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7887-15 S.L.

AGENCY DKT. NO. GA146299 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she exhausted her lifetime limit of EA, including applicable extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 4, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 4, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

A Settlement Agreement ("Settlement") between parties to a lawsuit is a contract by which they are bound. *Nolan v. Ho*, 120 N.J. 465, 472 (1990); see also N.J.A.C. 10:90-9.16(c) ("If the decision results from mutual agreement of the parties at the hearing and disposition by settlement and withdrawal, the terms of settlement will be binding upon the parties").

Here, the Agency and Petitioner entered into a Settlement on May 19, 2015, wherein Petitioner withdrew her request for a Fair Hearing, in exchange for the Agency's commitment to provide her with Work First New Jersey/General Assistance ("WFNJ/GA") benefits and EA benefits for the months of March, April and May of 2015. See Initial Decision at 2. The record indicates that the Agency made the agreed upon WFNJ/GA payments to Petitioner. Ibid. However, the Agency denied Petitioner EA payments in an adverse action notice dated the same day as the Settlement, and this appeal followed. Ibid.

Based on the forgoing, I ORDER the rescission of the May 19, 2015 denial of EA and direct the Agency to provide Petitioner with EA benefits for the months of March, April and May of 2015 and prospectively, so long as Petitioner remains eligible.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

JUN 19 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director