



State of New Jersey

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

AMENDED DECISION

OAL DKT. NO. HPW 12334-14 X.R.

AGENCY DKT. NO. V723537 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

On March 9, 2015, a Final Agency Decision ("FAD") was issued in this matter. This Amended FAD is being issued because of a reconsideration request received by the Division of Family Development ("DFD") from the Agency on March 23, 2015. As indicated by the Agency in that submission, shortly after the FAD was issued, the Petitioner was able to obtain the documentation required by the Agency, thereby resolving the original issue of Petitioner's Fair Hearing. However, this information was not passed on to DFD until after the issuance of the FAD. Based on a review of this new information received from the Agency, the Amended FAD is reflected below.

Petitioner appeals from Respondent Agency's termination of Petitioner's Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits for failing to provide the Agency with required documentation to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On December 5, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 22, 2015, the ALJ issued an Initial Decision affirming the Agency's determination.

No exceptions to the Initial Decision were filed.

As the Deputy Director of the Division of Family Development, Department of Human Services, I have reviewed the record and based upon the information recently received from the Agency, this matter is now deemed moot and is hereby dismissed.

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The OAL can acquire jurisdiction over a case only after a determination has been made that the case is contested. N.J.A.C. 1:1-3.2(a). A contested case is found when legal rights, duties, obligations, privileges, benefits, or other legal relations of specific parties are required...to be determined by decisions, determinations, or orders disposing their interests after an agency hearing has been held. N.J.A.C. 1:1-2.1.

In the instant matter, Petitioner was determined ineligible for EA benefits due to a failure to provide sufficient information. See Initial Decision at 2; see also Exhibit R-1 and Exhibit R-2. However, the Agency has recently advised DFD that within a week after the hearing, and before an FAD was issued, Petitioner was able to produce the required documentation, located a suitable room for a Temporary Rental Assistance ("TRA") subsidy, and was subsequently granted EA benefits. See March 23, 2015, letter from Agency.

Based upon this information, there is no longer a contested issue in this matter and Petitioner's appeal is hereby deemed moot and is dismissed. Furthermore, in light of the foregoing, Petitioner is not subject to a six-month EA penalty and same, if imposed as a result of the prior issued FAD, is hereby rescinded.

Accordingly, this matter is hereby DISMISSED.

MAR 26 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director