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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 09014-18 J.R.

AGENCY DKT. NO. C659915007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's sanctioning, and termination, of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and the termination of Emergency Assistance ("EA") benefits. The Agency sanctioned, and ultimately terminated, Petitioner's WFNJ/TANF and EA benefits contending that she failed to keep an appointment with the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 12, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On that same date, 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.

Here, the record reflects that in March 2018, the Agency sent Petitioner a notice to come into the Agency, and although the Agency was aware of Petitioner's current address, the notice was sent to Petitioner's former address. See Initial Decision at 2. As a result, Petitioner did not receive the Agency's March 2018 notice, and did not appear at the Agency as instructed. *Ibid.* Consequently, effective March 31, 2018, the Agency sanctioned, and simultaneously terminated Petitioner's WFNJ/TANF benefits for failing to respond to its notice. *Ibid.*; see also N.J.A.C. 10:90-4.13(a). Although it is not clear from the record, it appears that the Agency then terminated Petitioner's EA benefits, effective March 31, 2018, because she was no longer a WFNJ cash benefits recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). Petitioner then fell behind in her rent, and is now facing eviction. See Initial Decision at 3; see also Exhibit P-1.

After becoming aware of its error, the Agency lifted the sanction for good cause, effective June 1, 2018, and conceded that the sanction was in error, and that Petitioner was not at fault. See Initial Decision at 2-3; see also Exhibit R-2. On June 11, 2018, the Agency sent Petitioner a notice amending the effective date for the lifting of the sanction to April 1, 2018. *Ibid.*; see also Exhibit R-3. At no time, however, did the Agency reinstate Petitioner's WFNJ/TANF, and EA, benefits in accordance with the sanction lift. See Initial Decision at 3. On June 28, 2018, an eviction complaint was instituted against Petitioner which stated that Petitioner owed rent for February 2018, through June 2018. *Ibid.*; see also Exhibit P-1 at 4. However, the ALJ found that Petitioner did not live in the apartment in February 2018, and that the Agency had paid the March 2018, rent. See Initial Decision at 3. Therefore, the ALJ found that since the sanction was in error, Petitioner's WFNJ/TANF, and EA, benefits should have been paid in full for the months of April, May and June 2018. *Id.* at 4. Based on the foregoing, the ALJ concluded that Agency's sanctioning of Petitioner's WFNJ/TANF benefits, and its termination of Petitioner's WFNJ/TANF, and EA, benefits were improper and must be reversed. *Ibid.*;



see also N.J.A.C. 10:90-4.13(a). I agree. Further, the ALJ ordered the Agency to pay Petitioner's rental arrears for the months of April 2018, through June 2018, upon proof that Petitioner has paid her retroactive portion of the rent. See Initial Decision at 5.

While I agree with the ALJ that the Agency is responsible for paying Petitioner's rental arrears, due to the passage of time and Agency error, I find that the Agency shall pay its pro rata share of retroactive rent to Petitioner's landlord in an amount required to bring Petitioner current, on an expedited basis. See Initial Decision at 5. Petitioner is also advised that she is responsible for the payment of her pro rata share of the rent for the months of April 2018, through August 2018. Further, because the April 1, 2018, sanction was imposed in error, the Agency is directed to rescind said sanction as if same had never been imposed. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED.

Officially approved final version.

AUG - 3 2018

Natasha Johnson
Director

