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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 01053-18 M.P.

AGENCY DKT. NO. C253420009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to provide documentation required to determine her eligibility for EA benefits, and that she voluntarily quit employment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, and 23, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open through February 23, 2018, because there was no interpreter available on the first day of hearing. On February 26, 2018, 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

As a condition of eligibility for WFNJ benefits, the applicant/recipient shall, subject to good cause exceptions, be required to provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5). Applicants and recipients are, in all instances, the primary source of information about themselves and their families, needed to determine eligibility for WFNJ benefits. See N.J.A.C. 10:90-1.6(a). It is the responsibility of the county or municipal agency to determine eligibility and, as necessary, to secure verification from secondary sources. Ibid.

Here, the ALJ found, and the Agency did not dispute, that Petitioner made a good faith effort to secure the necessary documents required to determine her eligibility for EA benefits. See Initial Decision at 3; see N.J.A.C. 10:90-2.2(a)(5). The ALJ also found Petitioner's testimony, concerning why she was unable to secure the documents, credible. Id. at 2-3. Moreover, there is no evidence in the record that the Agency attempted to assist Petitioner in acquiring the necessary documentation. See N.J.A.C. 10:90-1.6(a). Based on the record presented, the ALJ concluded that Petitioner was unable to secure the necessary documents through no fault of her own, and that the Agency's denial of EA benefits to Petitioner was, therefore, improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1. I agree. Further, I find that without employment documentation, that the Agency's denial of EA benefits, and its imposition of six-month EA ineligibility penalty, on the basis of a voluntary quit, was improper. See Exhibit R-1 and N.J.A.C. 10:90-6.1(c)(3).



By way of comment, as the record indicates that the Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions shall be forwarded to DCP&P. See Initial Decision at 3.

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

Officially approved final version.

Natasha Johnson
Director

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