



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 15857-18 M.W.

AGENCY DKT. NO. C119942015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. An emergent fair hearing was scheduled for November 2, 2018. Petitioner asked to obtain counsel, and was informed that if the matter was adjourned, it would be converted to a non-emergent fair hearing. Petitioner agreed to a non-emergent fair hearing and asked to adjourn the matter. The hearing was then rescheduled to November 30, 2018, and on that day, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 21, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner executed ten SPs, wherein she agreed, among other things, to actively search for permanent housing by performing ten housing searches per week, to keep a record of those searches on certain forms, and to return the completed logs to the Agency. See Initial Decision at 2-3; see also Exhibits R-2 through R-11. Petitioner performed some, but not all, of the searches by the required due dates, and on August 16, 2018, the Agency terminated her EA benefits, effective August 27, 2018, for being non-compliant with the SP. See Initial Decision at 3; see also Exhibits R-1, R-12 through R-17. On October 24, 2018, at the request of the Agency, Petitioner provided medical documentation to the Agency in support of her contention that she could not fully comply with the housing search requirements. See Initial Decision at 6; see also Exhibit R-21. Further, Petitioner testified, and a friend of Petitioner's corroborated Petitioner's testimony with the testimony of her own, that Petitioner had tried to comply with the housing search requirements but had a limited capacity to do so, based on her medical condition and emotional state. See Initial Decision at 10-11. Based on the foregoing, the ALJ found Petitioner's testimony credible, and concluded that Petitioner had shown good cause for failure to submit complete housing forms necessary to fully comply with her SP and, therefore, that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 13-14; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Accordingly, the Initial Decision in this matter is hereby ADOPTED, and the Agency's determination is REVERSED.



Officially approved final version. **DEC 27 2010**

Natasha Johnson
Director

