State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

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 **16164-18 S.G.**

AGENCY DKT. NO. **C066317015 (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. On January 22, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 11, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed four SPs wherein she agreed, among other things, to "Participate in Rehab/Counseling Program," and to "comply with [Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI")] treatment recommendations." See Initial Decision at 2-3; see also Exhibits R-2 through R-5. Petitioner failed to consistently attend her counseling program as scheduled, and by notice dated October 26, 2018, the Agency terminated Petitioner's EA benefits, effective December 1, 2018, for failing to comply with her SP. See Initial Decision at 4-5; see also Exhibits R-12, R-14, R-16, and N.J.A.C. 10:90-6.6(a). However, Petitioner testified that she failed to attend some of her required appointments due to her personal medical and mental health issues, as well as needing to take care of her ill mother. See Initial Decision at 5. Petitioner also testified that, although she had not known that she was required to advise the Agency if she was going to be absent from her daily counseling program, she had timely advised the counseling program when she was unable to attend, they were understanding of her needs and limitations, and had accommodated her. Ibid. Petitioner's mother also testified regarding her daughter's mental health issues, her own medical issues, and the need for her daughter to care for her. Id. at 8.

The ALJ found Petitioner and her mother's testimony credible, that Petitioner's claims were substantiated by the record, including a 12-month MED-1 form, and that the Agency had acknowledged that Petitioner's medical, mental, and family issues had prohibited her from complying with her SP, as evidenced by its reduction of the time she was required to attend her counseling treatment program. Id. at 5-7, 9-10, 12; see also Exhibits P-1 through P-8. Based on the foregoing, the ALJ found that Petitioner had good cause for failing to comply with her SP, and reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 10-12; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(g), -6.6(a). Further, the ALJ directed the Agency to evaluate Petitioner's current circumstances and to make appropriate amendments to her SP, as necessary, and advised Petitioner that any future violation of her SP, without good cause, will result in a termination of her EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See Initial Decision at 12. I agree.

Exceptions to the Initial Decision were filed by the Agency on February 27, 2019.

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.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version. MAR 18 2019

Natasha Johnson
Director