



State of New Jersey

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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 01367-18 N.C.

AGENCY DKT. NO. S910444009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she caused her own homelessness by causing her Work First New Jersey/General Assistance ("WFNJ/GA") benefits case to be closed on redetermination. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 30, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 31, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Here, the ALJ found, and the record substantiates, that Petitioner complied with the terms of her EA service plan ("SP"), and that a termination of EA benefits on the basis that she failed to comply with her SP, is improper. See Initial Decision at 2-3; see also Exhibits P-1 through P-4, and R-3. I agree, and moreover, I find that the Agency's adverse action notice does not state an SP violation as the reason for its termination of Petitioner's EA benefits. See Exhibit R-1. Rather, the Agency's adverse action notice reflects that Petitioner's EA benefits were terminated because she caused her own homelessness when she failed to complete a redetermination necessary for continuation of her WFNJ/GA benefits, thereby resulting in her WFNJ/GA case being closed on September 30, 2017. See Initial Decision at 2-4; see also Exhibit R-1. However, the ALJ, found Petitioner eligible for EA benefits on the bases that she did not receive notice of the WFNJ/GA benefits redetermination requirement, or the closure of her WFNJ/GA benefits case, and therefore, she did not create her own emergency. See Initial Decision at 2-5. The ALJ also noted that Petitioner again began receiving WFNJ/GA benefits on December 22, 2017. Id. at 4-5. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Id. at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). 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.



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

Officially approved final version.

FEB 12 2018

Natasha Johnson
Director

