



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

REMAND DECISION

OAL DKT. NO. HPW 14687-17 V.J.

AGENCY DKT. NO. C052113012 (MIDDLESEX COUNTY BD. 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") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 14, 2017, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit additional information. The Agency submitted additional information, Petitioner did not, and the record then closed on December 22, 2017. On January 11, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on January 17, 2018.

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, and REMAND the matter to the Agency for further action, as outlined below.

Here, the ALJ concluded that the Agency failed to provide competent evidence demonstrating that Petitioner failed to comply with her SP by violating motel rules, and that its termination of Petitioner's EA benefits, on that basis, was improper. See Initial Decision at 4, 7-8; see also Exhibits R-2, R-6 through R-9, and N.J.A.C. 10:90-6.6(a). I agree.

Nevertheless, it appears from the record that Petitioner has received 31 months of EA benefits, and as such she has exhausted her lifetime limit of EA benefits, plus two six-month extreme hardship extensions, and may not be eligible for continued EA benefits. See Exhibit R-10; see also N.J.A.C. 10:90-6.4(a), (b), (d), and N.J.A.C. 10:90-6.9. However, since it is unclear from the record whether or not Petitioner is eligible for any further extension of EA benefits, I am remanding the matter back to the Agency to determine if Petitioner is, in fact, eligible for continued EA benefits. See N.J.A.C. 10:90-6.9.

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



REMANDED to the Agency, as discussed above.

Officially approved final version.

FEB 22 2018

Natasha Johnson

Director

