



State of New Jersey

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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 03642-19 A.A.

AGENCY DKT. NO. C183122007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP") by failing to pay his pro rata share of his monthly shelter costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 20, 2019, the Honorable Jude-Anthony Tiscomia, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 21, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner was unable to pay his share of shelter costs for the month of February 2019, due to his hospitalizations. See Initial Decision at 2-3; see also "URC Incident Reports." Petitioner also testified that he was unaware of the fact that he had to pay a share of his shelter costs, and only found out about that requirement from the shelter upon his return from the hospital. See Initial Decision at 3. Consequently, Petitioner was terminated from the shelter placement, and is currently homeless and sleeping in a public space. Id. at 2-3; see also "Termination Report" dated January 10, 2019, and "Termination Letter" dated February 7, 2019. Of note, the Agency claimed that Petitioner's failure to pay 30 percent of his Supplemental Security Income benefits toward monthly shelter costs was a violation of his SP; however, no such SP appears in the record. See Initial Decision at 3. The ALJ also found that Petitioner is willing and able to pay his portion of shelter costs, that he has made efforts to obtain appropriate permanent housing, and that he meets the criterion for EA benefits. Ibid.; see also "Termination Letter" dated March 6, 2019. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the Imposition of a six-month EA ineligibility penalty, were improper and must be reversed. Id. at 4; see also "Notification Form" dated February 11, 2019, and N.J.A.C. 10:90-6.1(a), (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.

By way of comment, the Agency is reminded of its responsibility and obligation to provide appropriate EA benefits, taking into consideration each individual's particular set of circumstances.

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



Officially approved final version.

MAR 26 2019

Natasha Johnson
Director

