



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 08808-19 A.B.

AGENCY DKT. NO. C202077009 (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 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 July 2, 2019, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for Petitioner to submit documents, and then closed on July 8, 2019. On July 9, 2019, the ALJ issued an Initial Decision reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 MODIFY the Agency's determination, as discussed below.

Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to attend all scheduled meetings and to provide proof of housing searches, a copy of her utility bill, and proof of payment of her required portion of the rent. See Initial Decision at 2; see also Exhibit R-10. By notice dated March 26, 2019, the Agency terminated Petitioner's EA benefits, effective April 1, 2019, for failure to comply with the aforementioned terms of her SP. See Exhibit R-1. The ALJ found that Petitioner had failed to attend the required February 25, 2019, meeting, had failed to provide the Agency with the required documentation, and had failed to establish good cause for such noncompliance. See Initial Decision at 2-4. Accordingly, the ALJ found that Petitioner had failed to comply with her SP, without good cause. *Id.* at 6; see also N.J.A.C. 10:90-6.6(a). However, the record reflects that the required adverse action notice, advising Petitioner of the EA termination, mailed to Petitioner by the Agency, was returned by the postal agency as undelivered, and that the Agency had failed to do anything further to notice Petitioner of such termination. *Id.* at 4, 6; see also Exhibit P-1. Therefore, the ALJ concluded that Petitioner had not received adequate notice of the termination of her EA benefits, and reversed the Agency's March 26, 2019, termination of Petitioner's EA benefits. See Initial Decision at 6; see also Exhibit R-1, and N.J.A.C. 10:90-9.1(a), (b). Based on the foregoing, the ALJ concluded that



the Agency was responsible for the payment of their portion of Petitioner's rent for the months of May, June, and July 2019, and ordered the Agency to issue same. See Initial Decision at 6-7. I agree.

Further, the record reflects that Petitioner received the March 26, 2019, adverse action notice, in person, on June 27, 2019, and as such, the ALJ concluded that the Agency may terminate Petitioner's EA benefits after July 1, 2019, as it has proven that Petitioner failed to comply with her SP. See Initial Decision at 3, 6. I agree, and find that no further adverse action notice need be provided to Petitioner by the Agency. Accordingly, I hereby modify the Agency's March 26, 2019, determination to reflect that Petitioner's EA benefits are terminated, effective July 7, 2019, 10 days after Petitioner received said adverse action notice. Id. at 4; see also Exhibit R-1 and N.J.A.C. 10:90-9.1(b)(1).

Additionally, because the ALJ found that Petitioner had failed to comply with her SP, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA ineligibility penalty shall begin run from July 7, 2019, the modified effective date of termination, as discussed above, through January 6, 2020.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is MODIFIED, as outlined above.

Officially approved final version.

JUL 15 2019

Natasha Johnson

Director

