



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

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 15664-18 A.W.

AGENCY DKT. NO. C268644009 (HUDSON COUNTY DEPT OF FAM SVCS)

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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 15, 2018, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open to allow the Agency to submit additional documentation, and then closed on November 27, 2018.

On December 6, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP, wherein he agreed, among other things, to provide the Agency with job searches, rent receipts, utility bills, and to apply for utility assistance. See Initial Decision at 2; see also Exhibit R-2. Petitioner failed to appear at a September 24, 2018, meeting with the Agency, at which time he was to provide the aforementioned documentation. See Initial Decision at 2; see also Exhibit R-4. As a result, by notice dated September 28, 2018, the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). However, the ALJ found that Petitioner had good cause for failing to provide the required documentation. See Initial Decision at 4. Specifically, the ALJ found that Petitioner was ill and under a doctor's care at the time of the September 24th meeting, that he is still awaiting a printout from his utility company, and that he does not qualify for utility assistance because he does not have a State ID card. See Initial Decision at 2-4; see also Exhibit P-1. Of note, after the hearing, on November 21, 2018, Petitioner went to the Agency, provided it with job searches for August 20, through September 20, 2018, and presented the Agency with another doctor's note indicating a medical condition that prevented him from being able to physically go into the Agency from October 2, through October 20, 2018. See Initial Decision at 2-3; see also Exhibits R-5, R-5a. At that time, Petitioner still did not have the information required from his utility company. See Initial Decision at 3. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to comply with his SP, and therefore, the Agency's termination of Petitioner's EA benefits, and its imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by the Agency on December 13, 2018.

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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By way of comment, I have reviewed the Agency's Exceptions and 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.

JAN - 8 2019

Natasha Johnson

Director

