



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

**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 02961-19 J.B.

AGENCY DKT. NO. S614596012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and its denial of EA benefits in the form of a security deposit and furniture voucher. The Agency terminated Petitioner's EA benefits, and denied her request for a security deposit and furniture voucher, contending that Petitioner had failed to comply with her EA service plan ("SP") by failing to report a change in income, and by failing to demonstrate that her available funds were exhausted on items deemed necessary and appropriate. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 26, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open for additional documents, and then closed on March 27, 2019.

On April 15, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had executed four SPs while receiving EA benefits, with the last SP being executed on January 7, 2019, wherein she agreed, among other things, to notify the Agency immediately of any change in her income. See Initial Decision at 2; see also Exhibits R-B, R-C, R-D, and R-E. The record also reflects that on February 22, 2019, the Agency discovered that Petitioner had begun receiving Unemployment Insurance Benefits ("UIB") income on January 6, 2019, and that she had failed to report said income to the Agency. See Initial Decision at 3-4; see also Exhibit R-H. As a result of Petitioner's failure to report her UIB income, the Agency terminated Petitioner's EA benefits, by notice dated February 25, 2019, on the basis that she failed to comply with her SPs. See Initial Decision at 4; see also Exhibits R-B, R-C, R-D, R-E, R-N, and N.J.A.C. 10:90-6.6(a). Petitioner claimed that she had reported the UIB income when she met with the Agency for a meeting on February 6, 2019. See Initial Decision at 5. However, the ALJ found that the Agency's records verified that no such meeting had taken place, and that it was not until a March 15, 2019, meeting with the Agency that Petitioner disclosed the receipt of UIB income. See Initial Decision at 6-8; see also Exhibit R-Q. Moreover, Petitioner had misrepresented the amount of UIB income that she had received. Ibid. Accordingly, the ALJ concluded that Petitioner had failed to comply with her SPs by failing to promptly report her UIB income, and that the Agency's termination of Petitioner's EA benefits, effective March 7, 2019, was proper and must stand. See Initial Decision at 9-10; see also Exhibit R-N, and N.J.A.C. 10:90-6.6(a). I agree.

Also, on January 7, 2019, prior to the termination of Petitioner's EA benefits, Petitioner applied for EA benefits in the form of a security deposit and furniture voucher. See Initial Decision at 3-4; see also Exhibit R-E. However, upon learning that Petitioner had begun receiving UIB income on January 6, 2019, the Agency advised Petitioner that it could not approve such EA benefits until she had verified how she had expended her Work First New Jersey/General Assistance ("WFNJ/GA") benefits and UIB income, and why she could not pay these expenses without the assistance of EA benefits. See Initial Decision at 4; see also Exhibits R-H, R-L. The Agency determined that Petitioner had failed to verify how her



income was expended, and on February 25, 2019, denied Petitioner EA benefits in the form of a security deposit and furniture voucher. See Initial Decision at 1-2; see also Exhibit R-O, and N.J.A.C. 10:90-6.1(c)(1)(ii). At the time of the hearing, Petitioner acknowledged that she had already paid her security deposit and was now only seeking a furniture voucher. See Initial Decision at 5. The ALJ found that the documents Petitioner presented as proof of how her WFNJ/GA benefits and UIB income was expended were insufficient, and as such, concluded that the Agency's denial of EA benefits in the form of a security deposit and furniture voucher was proper and must stand. Id. at 5-6, 8-10; see also Exhibits P-1, P-2, R-I, R-J, R-O, and N.J.A.C. 10:90-6.1(c)(1)(ii). I also 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, because I concur with the ALJ's conclusion that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 10; see also N.J.A.C. 10:90-6.6(a). Further, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

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Natasha Johnson  
Director

MAY 10 2019

