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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 18201-18 J.S.

AGENCY DKT. NO. C460456007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she was no longer a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient, and therefore, did not meet the EA benefits eligibility requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 9, 2019, but adjourned at the request of Petitioner for medical reasons. On January 24, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 31, 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 REVERSE the Agency's determination.

Here, by notice dated November 13, 2018, the Agency terminated Petitioner's EA benefits, contending that she was ineligible for said benefits because her WFNJ/GA benefits had been terminated. See Initial Decision at 2; see also Exhibit R-1, and N.J.A.C. 10:90-6.2(a). Although the November 13, 2018, notice also terminated Petitioner's WFNJ/GA benefits, the ALJ found, the Agency confirmed, and the record substantiates, that Petitioner's WFNJ/GA benefits had not been terminated, and as such, Petitioner remains eligible for EA benefits. See Initial Decision at 4, 6; see also Exhibits R-1, R-3. However, at the time of the hearing, the Agency advanced another reason for the termination of Petitioner's EA benefits. See Initial Decision at 2-4. Specifically, the Agency contended that Petitioner violated her EA service plan ("SP") when she violated shelter rules by staying out overnight, with her whereabouts unknown. *Ibid.*; see also Exhibit R-4. First, the ALJ found Petitioner credible when she testified that the shelter knew of, and approved, her staying out of the shelter overnight on occasion, and that they knew of her whereabouts at all times. See Initial Decision at 3-5. Second, the ALJ found that Petitioner had not been evicted from the shelter for any such shelter rule violation, and that the Agency had failed



to provide any evidence to the contrary. Id. at 5-7. Finally, the ALJ found that the Agency had failed to properly notice Petitioner of any such SP/shelter rule violation to justify its termination of Petitioner's EA benefits on that basis. Id. at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(e)(1)(ii), -9.1(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 7; see also Exhibit R-1. I agree.

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

Officially approved final version.

FEB 07 2019

Natasha Johnson
Director

