



State of New Jersey

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Governor

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 17345-18 P.L.

AGENCY DKT. NO. C243387009 (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") by failing to complete required job searches and by failing to provide proof of payment of her pro rata share of rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 2, 2019, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 23, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner claimed that she failed to comply with her SP because she did not speak English and did not understand the requirements therein, or the consequences for non-compliance. See Initial Decision at 2; see Exhibit R-2. The ALJ found that Petitioner does not speak English; that the Agency was aware of that fact; and that in accordance with regulatory authority, Petitioner was entitled to a translator, yet the Agency failed to provide same. See Initial Decision at 3-4; see also N.J.A.C. 10:90-1:10. Based on the foregoing, the ALJ concluded that Petitioner had good cause for failing to comply with her SP. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1. 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 directed to have Petitioner execute a new SP, and to secure a translator to explain the terms of the SP to Petitioner. Of note, as Petitioner is currently employed, the job searches that the ALJ found to be onerous appear to be no longer required. See Initial Decision at 3-4; see also Exhibit P-2. Petitioner is advised that failure to comply with her SP may result in the termination of EA benefits and the imposition of a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a).

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



Officially approved final version.

MAR 01 2019

Natasha Johnson

Director

