



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17880-18 S.C.

AGENCY DKT. NO. C264878009 (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 violated her EA service plan ("SP") by failing to attend scheduled appointments, and by failing to provide required documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 16, 2019, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 1, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP, wherein she agreed, among other things, to conduct job and housing searches, and to keep all appointments scheduled with the Agency. See Initial Decision at 2; see also Exhibit R-2. The record also reflects that the Agency terminated Petitioner's EA benefits, because she failed to attend her October 11, 2018, appointment with the Agency, and she failed to provide proof of job searches to the Agency in the correct email format. See Initial Decision at 2-3; see also Exhibit R-1. However, the ALJ found that Petitioner had good cause for failing to attend the scheduled appointment because she had attended a job interview on that same date, which interview resulted in an externship. See Initial Decision at 2-4. Of note, Petitioner also testified that she had informed her case manager about the position. *Id.* at 2. Subsequently, Petitioner was fired from that position on December 16, 2018, due to excessive absenteeism, which Petitioner claimed was due to her EA Temporary Rental Assistance ("TRA") being terminated, and her need to make frequent trips to the Agency to inquire about said termination. *Ibid.*

Petitioner further testified that she learned of the termination of her EA/TRA benefits from her landlord, when the Agency stopped paying its portion of her rent, and that she had not been noticed by the Agency of such termination. *Ibid.* The ALJ found that the Agency had failed to timely notify Petitioner of its termination of her EA benefits, as it appears from the Agency's testimony that said notice was mailed to Petitioner on December 6, 2018, which was after her EA/TRA benefits had already been terminated. See Initial Decision at 3-4; see also Exhibit R-1. Moreover, the notice in the record is dated November 8, 2018, with the effective date of termination being November 8, 2018, which is in violation of applicable regulatory authority, mandating that notice shall be given at least ten days prior to the termination of Work First New Jersey and/or EA benefits. See Exhibit R-1; see also N.J.A.C. 10:90-9.1(b).

Finally, the ALJ found that Petitioner had attempted to provide proof of job searches via email to the Agency, but that her caseworker, who also testified at the hearing, refused to read Petitioner's emails, or accept her job search attachments, because they were not in a specific file format, and did not attempt to assist Petitioner, but rather, was hostile toward Petitioner's attempts to comply with her SP. See Initial Decision at 3-4; see also Exhibit P-1.



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 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). 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 record indicates that Petitioner is not currently working, and as such, the ALJ's order that Petitioner's child care benefits be restored, is misplaced. See Initial Decision at 3-4. Rather, I find that Petitioner may reapply for child care benefits at such time as she again becomes employed or attends a full-time educational and/or work/training program. See N.J.A.C. 10:15-5.2(b) and -5.3(a).

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

Officially approved final version.

FEB 11 2019

Natasha Johnson

Director

