



State of New Jersey

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Assistant Commissioner

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 15862-19 Y.D.

AGENCY DKT. NO. C200892009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 4, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 4, 2019, the ALJ issued an Initial Decision, reversing the Agency's EA benefits 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioner is receiving WFNJ/TANF benefits, and any such termination of said benefits by the Agency was not addressed by the ALJ in the Initial Decision. See Initial Decision at 2. Although there is no adverse action notice in the record, citing a reason for any such termination of Petitioner's WFNJ/TANF benefits, because the ALJ concluded that Petitioner had good cause for voluntarily quitting her employment due to a lack of childcare, I find that any termination by the Agency based on a voluntary quit of employment would be improper and must be reversed. See Initial Decision at 2-4; see also N.J.A.C. 10:90-4.14(c)(2).

The record also reflects that Petitioner has received ten months of EA benefits, and that the Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP") by failing to pay her share of housing costs, and failing to find affordable housing. See Initial Decision at 2-3. However, as the Agency did not submit a copy of Petitioner's SP into evidence, I find that the Agency has failed to meet its burden of proof to show, by a preponderance of the evidence presented, that Petitioner failed to comply with her SP. See N.J.A.C. 1:1-2.1. Moreover, the Agency did not submit a copy of its adverse action notice pertaining to the EA termination into the record, and as such, I also find that the Agency has failed to meet its burden of proof with respect to proper and adequate notice of said termination of Petitioner's EA benefits. See N.J.A.C. 10:90-9.1(a), (b). Based



on the foregoing, I find that that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. The Initial Decision is modified to reflect these findings.

Further, the ALJ concluded that Petitioner should be provided with several more months of EA benefits. See Initial Decision at 4. However, the record reflects that Petitioner has received 10 months of EA benefits, and as the lifetime limit of EA benefits is 12 months, I find that Petitioner is eligible for EA benefits, provided she continues to remain eligible for said benefits in accordance with N.J.A.C. 10:90-6.1 et seq. See Initial Decision at 2; see also N.J.A.C. 10:90-6.4(a). The Initial Decision is also modified to reflect this finding.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as outlined above.

Officially approved final version.

DEC 11 2019

Natasha Johnson

Assistant Commissioner

