



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
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 02097-20 C.M.

AGENCY DKT. NO. S910825009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's failure to comply with this office's prior Final Agency Decision ("FAD"), wherein the Agency was directed to pay Petitioner's pro rata share of back rent. The Agency failed to comply with the prior FAD, contending that Petitioner failed to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On February 14, 2020, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 18, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), 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 indicates that the Agency ignored the directives set out in a prior FAD, dated December 24, 2019, under OAL Docket Number HPW 17475-19, wherein this office adopted the Initial Decision of ALJ Andrew M. Baron, finding Petitioner eligible for EA benefits, and accordingly, directing the Agency to pay Petitioner's one-third pro rata share of back rent. See Initial Decision at 2-4; see also Exhibits R-2, R-3. The Agency failed to pay Petitioner's pro-rata share of back rent, and as such, the ALJ in the present matter ordered the Agency to provide said back rent to Petitioner's landlord in the amount of \$1,500. See Initial Decision at 6. I agree. Accordingly, I direct the Agency to provide Petitioner's landlord with \$1,500, which constitutes Petitioner's one-third pro rata share of back rent for the months of October, November, and December 2019. *Id.* at 4, 6. Moreover, the Agency is reminded of its duty to abide by the directives of an FAD.

Further, the ALJ erroneously admonished DFD, claiming that DFD had issued a late Emergent FAD on January 22, 2020, and opining that such lateness may have led to the Agency's failure to timely resolve the prior matter at OAL Docket Number HPW 17475-19. *Ibid.*; see also N.J.A.C. 10:90-9.17(6). However, I take official notice of the fact that the records of this office reflect that in the prior matter, under OAL Docket Number HPW 17475-19, the Initial Decision was issued on December



19, 2019, the Initial Decision and case record were received by DFD on December 23, 2019, and DFD issued the FAD on December 24, 2019, not on January 20, 2020, as stated by the ALJ. Furthermore, the copy of the prior FAD, entered into the record by the Agency in this case, is lacking the date stamp, despite the fact that date stamped copies are sent to both clients and the respective county agencies upon issuance of the FAD. The Agency is therefore also reminded that in such instances, the date stamped copy of an FAD should be entered into the record, not one lacking a date stamp. Accordingly, I find that DFD's prior FAD was issued timely, in accordance with appropriate regulatory authority set forth at N.J.A.C. 1:10-12.2(a)(6) and N.J.A.C. 10:90-9.17(b)(7). Of note, an Initial Decision is considered "received" by DFD upon receipt of the Initial Decision, together with all exhibits entered into the record in the case. The Initial Decision is modified to reflect these findings.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

FEB 26 2020

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