



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
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 16600-19 J.S.

AGENCY DKT. NO. S565663012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioners ("J.S." and "M.C.") appeal from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioners' EA benefits, and imposed a six-month EA ineligibility penalty, contending that M.C. failed to comply with their EA service plan ("SP"). Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 20, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow submissions by the parties, and then closed on January 6, 2020. On January 22, 2020, the ALJ issued an Initial Decision, affirming 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 AFFIRMED in part, and REVERSE in part, the Agency's determination, based on the discussion below.

Here, the record reflects that Petitioners' assistance unit ("AU") consists of J.S., M.C., and their two minor children. See Initial Decision at 2. The record also reflects that both J.S. and M.C. executed several joint SPs and Verification Lists wherein they agreed, among other things, to comply with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program and to submit weekly job search logs to the Agency. See Initial Decision at 3-5; see also Exhibits R-2 through R-9. J.S. is compliant with the terms of their SPs. See Initial Decision at 7. However, M.C. had failed to comply with the terms of their SPs by failing to participate in the SAI/BHI program and by failing to provide the Agency with weekly job search logs. *Id.* at 7-9; see also Exhibits R-10, R-17. Consequently, the Agency terminated J.S.'s and M.C.'s EA benefits, and imposed a six-month EA ineligibility penalty upon them. See Initial Decision at 6-7; see also Exhibit R-12, and N.J.A.C. 10:90-6.6(a). The ALJ agreed with the Agency and affirmed its determination. See Initial Decision at 8-9. However, as the record reflects that J.S. is compliant with her SPs, I find that she continues to be eligible for EA benefits, despite M.C.'s noncompliance with his SPs and the consequent termination of his EA benefits. *Id.* at 7. Therefore, I find



that the Agency's termination of M.C.'s EA benefits and imposition of a six-month EA ineligibility penalty were proper as to him alone, and must stand, and that the Agency's termination of J.S.'s EA benefits was improper and must be reversed. Id. at 6-7; see also Exhibit R-12, and N.J.A.C. 10:90-6.6(a). Further, M.C. is advised that he is responsible for paying his pro rata share of housing costs going forward. See DFD Instruction No. 08-5-4 at 10-11. The Initial Decision is modified to reflect these findings.

Although not a transmitted issue, based on the record provided, the ALJ concluded that the Agency's sanctioning and suspension of M.C.'s Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits was proper and should be affirmed. See Initial Decision at 7-9; see also Exhibit R-10, and N.J.A.C. 10:90-4.13. I agree. However, I disagree with the ALJ's conclusion that M.C. was ineligible for EA benefits due to such sanction. See Initial Decision 2, 9. Rather, the record indicates that M.C.'s WFNJ/TANF case was in suspension status due to sanction, and therefore, I find that based on applicable regulatory authority, but for M.C.'s SP violation, he would continue to be eligible for EA benefits until such time as his WFNJ/TANF benefits case had closed. See N.J.A.C. 10:90-6.1(c) (5). The Initial Decision is also modified to reflect this finding.

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

Officially approved final version **MAR - 4 2020**

Natasha Johnson
Assistant Commissioner

