



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 17462-19 S.D.

AGENCY DKT. NO. S914946009 (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 he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 7, 2020, but was adjourned to allow the Agency the opportunity to provide additional supporting documentation. On January 16, 2020, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide medical records. Petitioner submitted said records on January 29, 2020. The Agency failed to submit any additional documentation, and the record then closed on February 4, 2020.

On February 11, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to attend all scheduled appointments, and to provide updated Supplemental Security Income ("SSI") benefits information. See Exhibit R-1 at 6-9. Petitioner failed to attend an October 28, 2019, appointment with the Agency, and the Agency claimed that he had failed to provide it with updated SSI information. See Initial Decision at 3-4; see also Exhibit R-3. Consequently, the Agency terminated Petitioner's EA benefits. See Initial Decision at 4; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.6(a). However, the ALJ found that Petitioner had good cause for failing to attend the October 28, 2019, appointment due to his ongoing medical and mental health issues, and that the Agency had failed to consider or discuss those issues with Petitioner prior to terminating his EA benefits, as required pursuant to N.J.A.C. 10:90-6.3(g). See Initial Decision at 3-5; see also Exhibits P-1, P-3, P-6, and P-8. Further, the ALJ found Petitioner credible when he testified that he had provided the Agency with updated SSI information, and said updated SSI documentation had been admitted into the record. See Initial Decision at 3-4; see also Exhibits P-2, P-4, and P-5. 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 4-5; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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.

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

Officially approved final version.

MAR 13 2020

Natasha Johnson

Assistant Commissioner

