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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 08103-18 G.F.

AGENCY DKT. NO. C264079009 (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. The Agency terminated Petitioner's WFNJ/TANF benefits contending that she failed to appear at a scheduled appointment, and terminated her EA benefits contending that she failed to comply with her EA service plan ("SP") and that she was no longer a WFNJ/TANF benefits recipient. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 26, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 9, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on July 20, 2018.

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 ADOPT in part, and REJECT in part, the ALJ's Initial Decision, and REVERSE in part, and AFFIRM in part, the Agency's determination, as outlined below.

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. *Ibid.*

Here, the Agency terminated Petitioner's WFNJ/TANF benefits on the basis that she failed to attend an appointment scheduled for March 12, 2018. See Initial Decision at 2; see also Exhibit R-9. However, the ALJ found that the March 5, 2018, notice sent to Petitioner by the Agency, advising Petitioner of that scheduled appointment, was sent to the wrong address, and as such, that Petitioner had good cause for failing to appear at that appointment. See Initial Decision at 3; see also Exhibit R-9. Therefore, the ALJ concluded that the Agency's termination of Petitioner's WFNJ/TANF benefits was improper and must be reversed. See Initial Decision at 4. I agree.



Also, by notice dated April 4, 2018, the Agency terminated Petitioner's EA benefits based on Petitioner's failure to comply with her SP, and because she was no longer a WFNJ/TANF benefits recipient. See Exhibit R-1; see also N.J.A.C. 10:90-6.2(a), -6.6(a). However, the ALJ incorrectly found that the sole reason for the Agency's termination of Petitioner's EA benefits was based on her no longer being a WFNJ/TANF benefits recipient, and as such, because the ALJ reversed the Agency's termination of Petitioner's WFNJ/TANF benefits, likewise, the ALJ reversed the Agency's termination of Petitioner's EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.2(a). I respectfully disagree with the ALJ's conclusion with respect to the Agency's termination of Petitioner's EA benefits.

Rather, based on an independent review of the record, I find that Petitioner executed an SP wherein she agreed, among other things, to comply with WFNJ requirements, including the submission of job searches; to apply for affordable housing; and to comply with all scheduled appointments. See Initial Decision at 3; see also Exhibits R-3 through R-6. Of note, the ALJ found that Petitioner was properly noticed of her obligations under the SP, and that she failed to comply with her SP. See Initial Decision at 3-4. Moreover, it is clear from the Agency's April 4, 2018, adverse action notice that an SP violation was an additional basis for the Agency's termination of Petitioner's EA benefits. Therefore, based on the foregoing, I find that Petitioner failed to comply with her SP, and as such, I affirm the Agency's termination of Petitioner's EA benefits, and impose upon her a six-month period of ineligibility for EA benefits. See Exhibit R-1; see also N.J.A.C. 10:90-6.6(a).

By way of comment, the transmittal in this matter indicates a contested issue regarding a termination of Supplemental Nutrition Assistance Program ("SNAP") benefits. However, that issue was not addressed by the ALJ in the Initial Decision, and therefore, it is not addressed in this Final Agency Decision. As such, if Petitioner still has an issue regarding a termination of SNAP benefits, she may request another hearing on that issue alone.

By way of further comment, because Petitioner has been receiving continued benefits pending the outcome of this hearing, the six-month EA ineligibility penalty shall begin to run from the date of this Final Agency Decision. See N.J.A.C. 10:90-6.6(a).

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED in part, and REJECTED in part, and the Agency's determination is hereby REVERSED in part, and AFFIRMED in part, as discussed above.

Officially approved final version.

AUG - 6 2018

Natasha Johnson
Director

