



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

NATASHA JOHNSON
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 09637-18 M.K.

AGENCY DKT. NO. C407699007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of his Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/GA and EA benefits because he had failed to attend a required Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") assessment appointment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 13, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same day, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner, a Supplemental Security Income ("SSI") benefits recipient and formerly a WFNJ/GA benefits recipient, sought EA benefits in the form of shelter placement. See Initial Decision at 2-3; see also Exhibit R-2. The Agency referred Petitioner to the SAI/BHI program, and terminated Petitioner's EA benefits when he failed to show up for the SAI/BHI referral appointment. See Initial Decision at 3; see also Exhibits P-1, R-3. However, the ALJ found that Petitioner was released from jail and had been attending mandatory behavior health counseling six hours a day, five days a week, and as such, Petitioner is in compliance with the SAI/BHI mandates. See Initial Decision at 3; see also Exhibit R-3. Therefore, the ALJ found that the Agency's termination of Petitioner's EA benefits for failure to attend the SAI/BHI referral appointment was improper, and must be reversed. See Initial Decision at 3-4; see also Exhibit P-1, and N.J.A.C. 10:90-6.1(c)(1)(iii). I agree.

Exceptions to the Initial Decision were filed by the Agency on July 16, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency's determination.

By way of comment, the transmittal in this matter indicates a contested issue regarding a termination of WFNJ/GA benefits, which was not addressed by the ALJ in the Initial Decision. However, because the record establishes that Petitioner is currently receiving SSI benefits, I find that he is no longer eligible for WFNJ/GA benefits. See Exhibit R-2; see also N.J.A.C. 10:90-2.8(a)(2).



By way of further comment, I have reviewed the Exceptions filed by the Agency and find that they do not alter my opinion in this matter.

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

Officially approved final version.

JUL 30 2018

Natasha Johnson

Director

