



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 10110-14 G.A.

AGENCY DKT. NO. GA298241 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of her Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's benefits as it contended that Petitioner had exhausted her lifetime limit. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 18, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On August 19, 2014, the ALJ issued his Initial Decision reversing the Agency's determination. The ALJ found that no formal written notice had been sent to Petitioner by the Agency advising that Petitioner's benefits were being terminated and why. See Initial Decision at 2. Rather, Petitioner was advised verbally by the Agency that her benefits would be terminated as a result of a case review. See Initial Decision at 3. The ALJ concluded that the Agency had failed to give Petitioner timely and adequate notice of the termination of Petitioner's benefits as required by N.J.A.C. 10:90-9.1, and therefore, the Agency had not met its burden of proof that Petitioner's benefits should have been terminated. *Ibid.*

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

By way of comment, the transmittal form for this matter also indicates a contested issue as to the termination of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") benefits for the same reason, that Petitioner was verbally advised of the termination without proper notice. This issue does not appear to have been addressed by the ALJ. However, as the issue regarding adequate and timely notice by the Agency of that termination is identical, and the Agency admitted that no formal adverse action notice of any kind was issued to Petitioner, I further find that the July 2014 termination of Petitioner's WFNJ/GA benefits was improper at the present time due to inadequate notice. N.J.A.C. 10:90-9.1.

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

AUG 28 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director