



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 10117-14 J.T.

AGENCY DKT. NO. C336071 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of his application for Emergency Assistance ("EA") in the form of back rent/Temporary Rental Assistance ("TRA"). The Agency denied Petitioner benefits because it contends that he did not comply with his Service Plan. Because the Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 20, 2014, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On August 21, 2014, the ALJ issued her Initial Decision reversing the Agency's determination. The ALJ noted that the Agency representative at the hearing had no personal knowledge of the matter, and while alluding to case notes made by Petitioner's caseworker, those notes could not be located, nor was a copy of Petitioner's Service Plan, alleged to have been violated, produced. See Initial Decision at 2-3. The ALJ found the Petitioner's testimony to be credible, and the evidence presented by Petitioner at the hearing substantiated Petitioner's assertion that he had complied with all documentation requests from the Agency in a timely fashion. See Initial Decision at 5-6. The ALJ concluded that "the record is bereft of any evidence as to Petitioner's alleged noncompliance with the Service Plan" See *id.* at 6. As the Agency had originally stated that TRA would be processed as of June 2014, and April and May's rent would be paid as back rent, the ALJ so ordered. *Ibid.* The ALJ further directed that Petitioner provide the Agency with documentation demonstrating that he had paid his portion of the rent for July and August 2014 and that the Agency meet again with Petitioner to develop a new Service Plan. *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 ALJ's Initial Decision and following an independent review of the record, 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 Agency is reminded of its responsibilities in presenting a case to the ALJ, pursuant to N.J.A.C. 10:90-9.12(b), which states, "The county or municipal representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

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

AUG 29 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director