



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 13417-14 T.E.

AGENCY DKT. NO. C288537 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 21, 2014, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 22, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families, child support, and Supplemental Security Income and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. It appears Petitioner exhausted 29 months of EA.

The Agency terminated EA in August 2014 and imposed a penalty in material part based upon alleged non-compliance with a Service Plan ("SP"). N.J.A.C. 10:90-6.6(a). The ALJ reversed the adverse determination after the Agency was unable to produce a copy of an SP or credible evidence of one's existence. I agree and direct the Agency to rescind the penalty.

Petitioner may immediately and without prejudice reapply for an extension of EA under the Housing Assistance Program ("HAP") pilot. N.J.A.C. 10:90-6.10. I note credible medical evidence Petitioner is the sole caretaker of a severely disabled dependent child. N.J.A.C. 10:90-6.10(a)(1)(ii).

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director