

**P.P.,**  
Petitioner,  
v.  
**MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES,**  
Respondent.

Decided October 19, 1979

**Initial Decision**

**SYNOPSIS**

The agency's appointment of a temporary payee for the receipt of petitioner's AFDC grant was reversed where the agency failed to provide recipient with timely and adequate notice. Although the agency could appoint a temporary payee when it appeared that the assistance payments were not being used for the best interest of the children, *N.J.A.C. 10:87-7.1(k)* required that petitioner receive notice prior to the change in payment procedure, which was lacking in this case.

---

**ROBBINS, ALJ:**

Petitioner requests relief from the administrative determination of the Middlesex County Board of Social Services appointing a temporary payee, pursuant to *N.J.A.C. 10:81-4.8(d)*. The matter was transmitted to the Office of Administrative Law for determination as a contested case, pursuant to *N.J.S.A. 52:14F-1 et seq.*

Petitioner requested a hearing on August 20, 1979. After notice to all parties, a hearing was held on October 5, 1979, in the Middlesex County Administration Building, New Brunswick, New Jersey, before Administrative Law Judge Frances Robbins.

At issue is the administrative determination to appoint a temporary payee for receipt of petitioner's AFDC grant. *N.J.A.C. 10:81-4.8(d)* provides:

When the Welfare Board decides, on the basis of available evidence, that an individual who has not been determined to be mentally incompetent is unable to manage funds to such an extent that the payments have not been or are not being used in the best interest of the child[ren], the Welfare Board may provide for payment through a third person rather than through unrestricted money payments.

Petitioner and her eight children are receiving assistance under the program of AFDC-C in addition to receipt of Social Security benefits. Petitioner's spouse is in the home and petitioner is receiving Social Security benefits and assistance under the Supplemental Security Income Program.

---

P.P.v. Middlesex County Board of Social Services  
Cite as 1 *N.J.A.R.* 148

---

Total income in the family is approximately \$1,027.00, including food stamp benefits.

The agency representative testified that this family has had ongoing difficulties with the management of their funds. This has resulted in frequent evictions and repeated emergency requests. Because of the agency evaluation that the family's funds were not being used in the best interests of the children, action was taken to appoint a temporary payee for the issuance of the assistance grant. Notwithstanding the foregoing, the action to appoint a temporary payee was taken without the issuance of adequate or timely notice.

Based upon the foregoing, **IFIND**:

1. *N.J.A.C.* 10:81-7.1(k) provides that "prior to any change in payment procedure . . . recipients of assistance are entitled to: timely and adequate notice in writing mailed not less than ten calendar days before the date on which the individual would otherwise reasonably expect to receive the next regular payment. . . ."

2. The agency took action to appoint a temporary payee for receipt of Petitioner's assistance grant without issuance of the required timely and adequate notice of such action.

Based upon the facts adduced at the hearing in this proceeding and the applicable regulations, I **CONCLUDE** that the action to change payment procedure for petitioner's assistance grant was made without the required timely and adequate notice.

Therefore, the action of the Middlesex County Board of Social Services in appointing a temporary payee without issuance of proper notice, is **REVERSED**.

---

After reviewing this Initial Decision, the Division of Public  
Welfare on December 4, 1979 issued the following Final  
Decision:

The initial decision in the case of the above captioned is accepted and incorporated herein.