



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 12050-18 A.H.

AGENCY DKT. NO. S583346009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 29, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 5, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner, a Work First New Jersey/General Assistance benefits recipient, received a shelter voucher for March 18, through July 31, 2018. See Initial Decision at 2; see also Exhibit R-1. On March 18, 2018, Petitioner signed an SP, wherein he agreed to do a number of administrative actions, as well as abide by shelter rules. See Initial Decision at 2; see also Exhibit R-5. In August of 2018, Petitioner was diagnosed with memory problems in a MED-1 form, and as such, Petitioner contended that the Agency was obligated to afford him certain accommodations that would aid him in complying with his SP. See Initial Decision at 3; see also Exhibit P-2. The record indicates that the Agency did indeed aid Petitioner by sending numerous notices and reminders, and by making telephone calls to Petitioner regarding his obligations under the SP. See Initial Decision at 3-4; see also Exhibits R-2, R-3, and R-4. Further, the record presented by the Agency establishes that Petitioner did not comply with the administrative actions required by his SP, and that on the night of August 5, 2018, he did not return to the shelter. See Initial Decision at 3; see also Exhibit R-6. As a result, the Agency terminated his EA benefits effective August 7, 2018, for failure to comply with his SP, and imposed a six-month EA ineligibility penalty. See Exhibit R-7; see also N.J.A.C. 10:90-6.6(a). The ALJ found that evidence of Petitioner's memory loss diagnosis was outweighed by the Agency's testimony that it sent reminders and notices to Petitioner to ensure compliance. See Initial Decision at 5; see also Exhibits P-1, P-2. After weighing the credibility of the witnesses and the evidence presented, the ALJ agreed with the Agency that Petitioner failed to comply with his SP, without good cause, and that the Agency's termination of Petitioner's EA benefits, as well as the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5-6; see also Exhibit R-7, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by counsel to Petitioner on November 29, 2018.

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 final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.



By way of comment, as Petitioner has been receiving continued assistance during the pendency of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision. See N.J.A.C. 10:90-6.6(a).

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that they do not alter my decision in this matter.

Also by way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. DEC 04 2018

Natasha Johnson
Director

