



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 08939-18 D.G.

AGENCY DKT. NO. S490382012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioners ("D.G.") and ("B.S.") appeal from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioners' EA benefits contending that they failed to comply with their EA service plan ("SP") by violating shelter rules. Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2018, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioners the opportunity to provide documentation regarding their son's medical condition. No such documentation was forthcoming, and the record then closed on July 30, 2018. On August 13, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, a violation of the shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(5).

EA benefits recipients are required to develop and sign an EA SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in termination of EA benefits and a six-month period of ineligibility for EA benefits. Ibid.

Here, D.G. acknowledged that he smoked and allowed unauthorized visitors in his motel room, in violation of the shelter rules and SP. See Initial Decision at 4-5; see also Exhibits R-K, R-I. The ALJ found that D.G.'s admission prevented him from denying the charges against him, and by association, B.S. See Initial Decision at 5. Moreover, the ALJ found that the Agency's claim of Petitioners smoking



in their room was corroborated by the Agency's investigator when he visited Petitioners' motel room, smelled smoke, and was informed by Petitioners' son, an unauthorized visitor present in the room at the time of the investigator's visit, that both D.G. and B.S. smoked in the room. Id. at 3, 5; see also Exhibit R-I. Based on the foregoing, the ALJ concluded that Petitioners had violated the shelter rules in violation of their SP. See Initial Decision at 6. Accordingly, the ALJ concluded that the Agency's termination of Petitioners' EA benefits was proper and must stand. Ibid.; see also Exhibit R-J, and N.J.A.C. 10:90-6.3(c)(5), -6.6(a). I agree.

Additionally, because I agree with the ALJ's conclusions, I hereby impose upon Petitioners a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.3(c)(5), -6.6(a). Further, because Petitioners have been receiving continued assistance pending the outcome of this hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

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

Officially approved final version.

SEP 13 2018

Natasha Johnson
Director

