



State of New Jersey

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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 16571-18 D.J.

AGENCY DKT. NO. C714309007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the 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 Petitioner was evicted from two shelter placements due to misconduct in violation of shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 26, 2018, but was adjourned due to Petitioner's hospitalization. On November 28, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 29, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that the Agency failed to produce any evidence to substantiate its contention that Petitioner was evicted from two shelter placements due to his misconduct, in violation of shelter rules. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.3(c) (3). Additionally, the ALJ found that the Agency had failed to provide evidence that, prior to Petitioner's shelter placement, it had thoroughly reviewed the shelter rule violations with Petitioner that could result in the termination of his EA benefits, and a six-month EA ineligibility penalty. *Id.* at 4; see also N.J.A.C. 10:90-6.3(c). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1. I agree.

No Exceptions to the Initial Decision were received.

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, it appears from the record that Petitioner has mental health issues which may prevent him from compliance with EA benefits eligibility requirements, and as such, Petitioner "shall be required to follow through with services to address those barriers for continued EA eligibility." See Initial Decision at 2-3; see also Exhibit R-4, and N.J.A.C. 10:90-6.3(g). Further, "such services shall be identified as mandatory activities in the EA service plan ['SP']." See N.J.A.C. 10:90-6.3(g), -6.6(a)(1)(iii)(7). Finally, Petitioner is advised that any future violation of shelter rules, or violation of his SP, may result in the termination of EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c), (e), -6.6(a).

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



DEC 07 2008

Officially approved final version.

Natasha Johnson
Director

