



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 12575-18 H.M.

AGENCY DKT. NO. C100692015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 12, 2018, but was adjourned at the request of the parties to allow Petitioner to provide a MED-1 form. The hearing was rescheduled for October 30, 2018, but was then adjourned by the previously assigned Administrative Law Judge ("ALJ"). On November 2, 2018, the Honorable Judith Lieberman, ALJ, held a plenary hearing, took testimony, and admitted documents.

On November 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner signed SPs on April 9, June 15, and July 12, 2018. See Initial Decision at 2-4; see also Exhibits R-2, R-3, and R-4. On August 24, 2018, the Agency notified Petitioner that her EA benefits, in the form of temporary shelter placement, would be terminated effective September 4, 2018, for failure to comply with her SPs. See Initial Decision at 4; see also Exhibit R-1. Specifically, the Agency contended that Petitioner did not pay her portion of rent for July through October of 2018, that she did not provide the required housing searches, and that she had missed scheduled appointments. See Initial Decision at 4-6; see also Exhibits R-9, R-13, R-14, R-18, and R-19. Petitioner testified, and provided proof, that she had paid her portion of the rent for some of the months the Agency had said that she did not, and provided testimony concerning her missed appointments. See Initial Decision at 6-7; see also Exhibits P-1, P-2. After weighing the credibility of the witnesses and the evidence presented, the ALJ found that Petitioner had failed to pay her portion of the August 2018 rent, despite being afforded additional time to do so, and that she had failed to provide the Agency with the required housing searches, thereby failing to comply with her SP without good cause. See Initial Decision at 8-9. The ALJ therefore concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Id.* at 9; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were filed.

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, because I concur with the ALJ's finding that Petitioner failed to comply with her SP, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.6(a). As Petitioner has been receiving continued assistance pending the outcome of this fair hearing, Petitioner's six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision.



By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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 27 2018

Natasha Johnson
Director

