



State of New Jersey

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

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 07815-18 J.S.

AGENCY DKT. NO. S612809012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

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 he failed to comply with his EA service plan ("SP") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 22, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 6, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits on April 23, 2018, and on that same day, executed an SP wherein he agreed, among other things, to comply with motel/shelter health and safety policies. See Initial Decision at 2; see also Exhibits R-1, R-2 at 4-5. After a report from the motel requesting that Petitioner be removed, the Agency conducted an investigation and terminated Petitioner's EA benefits, concluding that he failed to comply with his SP when he violated motel rules by allowing unauthorized guests to stay in his room, by using foul and threatening language toward the staff, by cooking in his room, and by keeping his room in a filthy condition. See Initial Decision at 2-3; see also Exhibits R-7, R-8, R-9, and N.J.A.C. 10:90-6.6(a). After assessing the credibility of the witnesses, the ALJ found that the Agency had met its burden of proof regarding Petitioner's motel and SP violations, and that Petitioner had failed to provide good cause for such violations. See Initial Decision at 4-6. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 6; see also Exhibit R-9, and N.J.A.C. 10:90-6.3(c)(3), (5) -6.6(a). 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, as Petitioner has been receiving continued assistance during the pendency of this matter, his six-month EA ineligibility penalty shall begin to run as of the date of the 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 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.

AUG - 9 2010

Natasha Johnson

Director

