



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 15014-15 T.H.

AGENCY DKT. NO. GA591353 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of shelter. The Agency terminated Petitioner's EA benefits because it determined that she failed to comply with the terms of her EA service plans ("SP"), without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 6, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On November 17, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination. The record shows that Petitioner has a history of addiction issues, and the Agency placed her in a shelter. See Initial Decision at 2. The record also shows that under the terms of Petitioner's three SPs, she was required to attend rehabilitation, and to undergo and pass relevant screenings. *Id.* at 2 and 4; see also Exhibit R-1 at 10, 13, 14, 16, and 17. Additionally, the record shows that on August 5, 2015, Petitioner tested positive on her screening. See Initial Decision at 5; see also Exhibit R-1 at 23. The ALJ found that Petitioner violated the terms of her SP, without good cause, when she admitted to consuming restricted substances, thus resulting in Petitioner failing her screening. *Ibid.* Accordingly, the ALJ concluded that the Agency properly terminated Petitioner's EA benefits for the foregoing reasons. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a).

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on December 4, 2015.

A Response to Petitioner's Exceptions was filed by the Agency on December 8, 2015.

As the Director of the Division of Family Development ("DFD"), 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 in this matter.

By way of comment, because I find that Petitioner failed to comply with the terms of her SP, without good cause, she is ineligible for EA benefits for a period of six months, effective August 28, 2015. See N.J.A.C. 10:90-6.6(a).

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Petitioner's counsel is reminded that Exceptions must be received by DFD, no later than seven days after the date the Initial Decision was mailed to the parties, and that evidence not presented at the fair hearing shall not be submitted as part of an Exception, nor shall it be incorporated or referred to within Exceptions. See N.J.A.C. 1:1-18.4(c) and 1:10-18.2.

By way of additional comment, I have reviewed the Agency's Response to Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Signed Copy on File
at DFD, BARA

DEC 29 2015

Natasha Johnson
Director