



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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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 06861-18 A.P.

AGENCY DKT. NO. C100905015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of motel placement. The Agency terminated Petitioner's EA benefits contending that she violated her EA service plan ("SP") by failing to submit to a drug test. By separate Notice, the Agency also terminated Petitioner's EA benefits contending that she violated the terms of her EA SPs by failing to comply with rules of her motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 6, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing on both matters, took testimony, and admitted documents. On July 27, 2018, the ALJ issued an Initial Decision, affirming the Agency's termination of Petitioner's EA benefits.

Here, Petitioner received EA benefits on March 30, 2018, and signed an SP wherein she agreed to stay drug and alcohol free, to acquire authorization for others to stay with her, and to attend the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program. See Initial Decision at 2-3; see also Exhibit R-2. On April 19, 2018, upon being placed in a new motel, Petitioner signed another SP, wherein she agreed to participate in drug counseling and submit to a urine drug screen, and agreed not to have unauthorized visitors stay in her room. See Initial Decision at 3; see also Exhibit R-3. After Petitioner was turned away from her urine drug screen on April 23, 2018, because she did not have proper identification, she was ordered to report again for the screening on April 25, 2018, but she did not appear. See Initial Decision at 4; see also Exhibit R-8. The record reflects that Petitioner was in a hospital emergency room on April 24, 2018, and had informed the Agency of such by phone, as well as provided a discharge document. See Initial Decision at 8. Nonetheless, SAI/BHI closed her file and on May 1, 2018, the Agency terminated Petitioner's EA benefits for failure to comply with her SP, effective May 12, 2018. See Initial Decision at 4; see also Exhibits R-1, R-8. Based on the facts presented, the ALJ found that the Agency's termination of Petitioner's EA benefits for failure to comply with the SP concerning the required drug testing was improper, given Petitioner's hospital stay. See Initial Decision at 9-10; see also Exhibits R-1, R-9, and N.J.A.C. 10:90-6.3(c), -6.6(a). I agree.

However, the Agency also terminated Petitioner's EA benefits by Notice dated May 25, 2018, effective June 9, 2018, because on or around May 20, 2018, Petitioner had an unauthorized visitor in her motel room, and required law enforcement assistance with respect to the visitor, in violation of her SP. See Initial Decision at 6, 7-8; see also Exhibits R-9, R-16, R-17, and R-18. Further, an independent review of the record reveals that Petitioner had placed a lock on her motel room door, in violation of the motel's fire safety code. See Initial Decision at 5-6; see also Exhibit R-20, and N.J.A.C. 10:90-6.3(c)(5). Based on the foregoing, the ALJ agreed that the Agency's termination of Petitioner's EA benefits for failure to comply with the SP was proper and must stand. See Initial Decision at 9-10; see also Exhibits R-1, R-9, and N.J.A.C. 10:90-6.6(a). I agree, specifically because I find that Petitioner violated the motel's safety policy by



placing an unauthorized lock on her motel room door. See Initial Decision at 5-6; see also Exhibit R-20, and N.J.A.C. 10:90-6.3(c)(5).

Additionally, because I agree with the ALJ that Petitioner violated her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits, pursuant to N.J.A.C. 10:90-6.6(a). As Petitioner has been receiving continued assistance pending the outcome of this hearing, the six-month EA ineligibility penalty shall run from the date of the issuance of this Final Agency Decision.

Petitioner filed Exceptions to the Initial Decision on August 7, and August 8, 2018.

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 and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

By way of 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.

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

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

Officially approved final version.

SEP 06 2018

Natasha Johnson
Director

