



State of New Jersey

PHILIP D. MURPHY  
Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
Acting Commissioner

SHEILA Y OLIVER  
Lt. Governor

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
Director  
Tel: (609) 588-2000

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 00159-18 C.G.

AGENCY DKT. NO. C101789008 (GLOUCESTER COUNTY DIV. 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 Petitioner failed to comply with her EA Service Plan ("SP"), and that she had exhausted her lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 2, 2018, but was adjourned to allow Petitioner the opportunity to obtain legal counsel. On March 9, 2018, the Honorable Jeffrey R. Wilson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and closed the record.

On March 29, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on November 14, 2017, Petitioner executed an SP requiring her, among other things, to complete a Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") assessment and to provide a completed MED-1 form by November 21, 2017. See Initial Decision at 3; see also Exhibit R-1 at 12-17. However, Petitioner failed to complete the SAI/BHI assessment, and did not submit a MED-1 form by the required date. See Initial Decision at 4. Petitioner had also received over 40 months of EA benefits, and the Agency determined that she did not qualify for an extension of said benefits. See Initial Decision at 4; see also Exhibit R-1 at 3, 18-27, and N.J.A.C. 10:90-6.4(b). As a result, the Agency terminated Petitioner's EA benefits for failure to comply with the terms of her SP, without good cause, and for having exceeded the maximum lifetime limit of 12 months of EA benefits, plus all available extensions. See Initial Decision at 3-4; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.4(a), (b), (d). Petitioner asserted that she had a domestic violence ("DV") waiver in place at the time of the Agency's termination of EA benefits on December 12, 2017, and as such, the Agency should not have terminated her EA benefits for exhaustion, and she should be exempted from the requirements of her SP. See Initial Decision at 7; see also Exhibit R-2, and N.J.A.C. 10:90-20.1. The ALJ found that although Petitioner's DV waiver had exempted her from the EA benefits time limit, it did not exempt her from compliance with her SP. *Ibid.* Of note, it appears from the record that Petitioner does not have a current DV waiver. See Initial Decision at 4; see also Exhibit R-5. Based on the foregoing, the ALJ affirmed the Agency's decision to terminate Petitioner's EA benefits, and imposed a six-month period of ineligibility for EA benefits, finding that Petitioner had not complied with her SP by failing to complete the SAI/BHI assessment, and failing to timely submit a MED-1 form. See Initial Decision at 6-7; see also Exhibit R-1 at 2, 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.



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By way of comment, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. See Initial Decision at 7, see also N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

APR 3 0 2013

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Natasha Johnson

Director

