



State of New Jersey

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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 03203-18 E.H.

AGENCY DKT. NO. C098763003 (BURLINGTON COUNTY BD. 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"), 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. On March 12, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. At the hearing, the Agency formally withdrew its action regarding an exhaustion of the EA benefits time limit, and the hearing proceeded on the SP issue alone.

On March 13, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency contended that Petitioner's numerous shelter rule violations were a violation of her SP, and the basis for its termination of Petitioner's EA benefits. See Initial Decision at 3-4; see also Exhibits R-1, R-2, R-3, R-7, R-8, R-9, and N.J.A.C. 10:90-6.6(a). However, the ALJ found that Petitioner's alleged shelter violations occurred prior to the execution of her SP, and therefore not controlling. See Initial Decision at 7; see also R-3, R-7, R-8, and R-9. Further, the ALJ found that the Agency had only proven by a preponderance of the evidence that one shelter rule violation had occurred, specifically, that Petitioner had violated the shelter policy regarding visitation and guests in her apartment, without good cause. See Initial Decision at 5-8; see also Exhibits R-2, R-4, R-7, R-8, and R-9, and N.J.A.C. 1:1-15.5. The ALJ also found that this was Petitioner's first termination from a shelter placement due to a violation of a shelter visitation policy. See Initial Decision 3-4, 8. Based on the foregoing, the ALJ found that in accordance with N.J.A.C. 10:90-6.3(e)(1)(iii), which provides that an EA recipient shall be eligible for continued EA benefits for certain shelter/motel violations, including, but not limited to, the violation of a facility's policies concerning visitation by outside guests, Petitioner remains eligible for EA benefits. See Initial Decision at 7-8. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 8-9; see also Exhibit R-1. 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, Petitioner is advised that any future violation of shelter rules or her SP may result in the termination of EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e), -6.6(a).



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

Officially approved final version.

Natasha Johnson

Director

MAR 20 2018

