



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 04011-18 R.P.

AGENCY DKT. NO. S613550012 (MIDDLESEX 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 due to Petitioner's non-compliance with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 20, 2018, the matter was changed from a non-emergent case to an emergent case. On March 27, 2018, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 28, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on February 9, 2018, Petitioner executed an SP wherein he agreed, among other things, to comply with motel/shelter rules. See Initial Decision at 2; see also Exhibit R-2. The record further shows that Petitioner was then placed at a shelter. See Initial Decision at 2. On March 14, 2018, the Agency was advised that Petitioner was being terminated from the shelter for violation of the shelter's policy by smoking inside the motel's first-floor men's restroom. *Ibid.*; see also Exhibits R-4, R-5, and N.J.A.C. 10:90-6.3(c)(5). The Agency then placed Petitioner at a motel. See Initial Decision at 3. On March 20, 2018, the Agency was advised that Petitioner had been smoking in his room, in violation of motel policy, which was corroborated by an Agency investigator. *Ibid.*; see also Exhibit R-6, R-7 and R-11. Based on the foregoing, the ALJ concluded that Petitioner failed to comply with his SP, without good cause, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c)(5). 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, because I concur with the ALJ's findings that Petitioner failed to comply with his SP, without good cause, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). As Petitioner has been receiving continued assistance pending the outcome of this hearing, his 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.

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Natasha Johnson  
Director

**APR 03 2010**

