



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 04660-18 T.L.

AGENCY DKT. NO. C101834003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP") by violating motel rules, and by failing to report earned income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 5, 2018, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 5, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to comply with motel/shelter rules, and with Work First New Jersey ("WFNJ") requirements. See Initial Decision at 2; see also Exhibit R-1 at 10-12. The ALJ in this matter found that Petitioner failed to comply with his SP when he violated motel rules by allowing unauthorized guests to stay in his room, and by cooking in his room, both of which are prohibited by the motel fire code. See Initial Decision at 2-3; see also Exhibit R-1 at 13, and N.J.A.C. 10:90-6.6(a). The ALJ also found that Petitioner failed to comply with his SP by failing to report his earned income to the Agency, as required by WFNJ regulations. See Initial Decision at 3-4; see also Exhibit P-1, and N.J.A.C. 10:90-1.6(a), -1.13. Moreover, the ALJ found that Petitioner is not currently homeless. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c). Based upon the testimonial and documentary evidence, the ALJ found that the Agency had met its burden of proof regarding Petitioner's SP violations, and that Petitioner failed to provide good cause for such violations. *Id.* at 3-4. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 4-5; see also Exhibit R-1 at 7-9, and N.J.A.C. 10:90-1.6(a), -1.13, -6.1(c)(3), -6.6(a). 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, 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.



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

Officially approved final version.

APR 09 2018

Natasha Johnson
Director

