



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 08962-18 T.T.

AGENCY DKT. NO. C093152015 (OCEAN COUNTY BOARD 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 she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2018, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 30, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits in March of 2018. See Initial Decision at 2. Petitioner was placed in temporary shelters and motels from March of 2018, until July of 2018, and signed numerous SPs and Client Agreements, indicating that she was not to have unauthorized visitors, and must abide by motel rules. See Initial Decision at 2; see also Exhibits R-4 through R-7, R-9, R-10, R-12, and R-14. On June 4, 2018, the Agency terminated Petitioner's EA benefits, finding that she failed to comply with her SP by being terminated from at least two placements for violating motel rules. See Initial Decision at 6-7; see also Exhibits R-1, R-8, R-11, R-13, R-15, and N.J.A.C. 10:90-6.3(e)(1) and -6.6(a). At the hearing, three witnesses from three of the motels where Petitioner resided testified that Petitioner was asked to leave, or was removed, from their motels due to having unauthorized visitors and for smoking. See Initial Decision at 2-3. Petitioner also testified, asserting that she had not smoked in the rooms and that she did not have unauthorized visitors. See Initial Decision at 3. Based on the foregoing, and after assessing the credibility of Petitioner and the Agency's witnesses, the ALJ found that the Agency had proven that Petitioner had been rightly terminated from at least two motel placements for violating motel rules by having unauthorized visitors and for smoking in her room, in violation of her SP. See Initial Decision at 5-7. Therefore, the ALJ concluded that in accordance with N.J.A.C. 10:90-6.3(c)(5), and -6.3(e)(1)(iii), the Agency's termination of EA benefits, as well as the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(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.

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



Officially approved final version.

OCT - 3 2018

Natasha Johnson
Director

