



State of New Jersey

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Governor

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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 10203-18 V.M.

AGENCY DKT. NO. C200068002 (BERGEN 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 the six-month EA ineligibility penalty, contending that she failed to comply with her EA service plan ("SP") by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 21, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 28, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on May 22, 2017, Petitioner executed an SP and a Shelter Agreement wherein she agreed, among other things, to apply for Section 8 housing, seek employment, attend classes, and comply with shelter rules, including the shelter's curfew of 11:00 p.m. See Initial Decision at 2; see also Exhibits R-5, R-6. However, the record reveals that Petitioner violated the shelter's curfew policy on twenty-nine occasions. See Initial Decision at 3; see also Exhibit R-7. Petitioner testified that she knew of the curfew and consequences of violating the rule; however, that she had been working and taking public transportation, resulting in her missing curfew. See Initial Decision at 3. Petitioner talked to the shelter personnel about missing curfew, but nothing in the record indicates that she informed the Agency. Ibid. The shelter discharged Petitioner and the Agency terminated her EA benefits, by notice dated June 26, 2018, effective July 5, 2018. See Initial Decision at 3; see also Exhibits R-2, R-3, and N.J.A.C. 10:90-6.1(c)(3), -6.6(a). The Agency also imposed a six-month EA ineligibility penalty. See Exhibit R-3; see also N.J.A.C. 10:90-6.1(c)(3), -6.6(a). Based on the foregoing, the ALJ found that Petitioner had violated the shelter's curfew policy in an excessive manner, that she was warned about the consequences of doing so on several occasions, and therefore, had violated her SP. See Initial Decision at 4-5. Accordingly, the ALJ found that the Agency's termination of Petitioner's EA benefits, and imposition of the six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4-5; see also Exhibit R-3, 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.

By way of comment, the transmittal in this matter reflects an additional contested issue concerning the sanctioning Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a sanction on Petitioner's WFNJ/TANF benefits, she may request another fair hearing on that issue alone.



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

Officially approved final version.

OCT - 3 2018

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Natasha Johnson  
Director

