



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 02372-19 A.L.

AGENCY DKT. NO. C083445012 (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, contending that he failed to comply with his EA service plan ("SP") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for March 12, 2019, but was adjourned to allow Petitioner time to obtain legal counsel. The case was rescheduled for March 26, 2019, and was again adjourned to allow more time for Petitioner to obtain legal counsel. Finally, on April 9, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 30, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed several SPs, the last one dated December 12, 2018, wherein Petitioner agreed, among other things, to abide by motel/shelter rules. See Initial Decision at 2-3; see also Exhibit R-1 at B-G, J-L, and P. However, the ALJ found, and two security videos provided by the motel manager substantiate, that Petitioner burglarized money from the front desk of his motel placement, and consequently, was terminated from the motel. See Initial Decision at 4-6; see also Exhibit R-1 at M, N, and "Video" dated January 31, 2019. Although Petitioner denied that the person on the videos was him, based on Petitioner's incredible testimony and a thorough review of the videos, the ALJ determined that Petitioner had burglarized the motel. See Initial Decision at 7-9. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with his SP by violating motel rules, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 10-11; see also Exhibit R-1 at O, and N.J.A.C. 10:90-6.3(c)(3), -6.6(a). Further, the ALJ also concluded that the imposition of a six-month period of ineligibility for EA benefits upon Petitioner was proper. *Ibid.* 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 Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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



Officially approved final version.

JUN - 5 2019

Natasha Johnson
Director

