



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17720-18 C.A.

AGENCY DKT. NO. S512683012 (MIDDLESEX 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 she failed to comply with her EA service plan ("SP") when she violated motel rules by allowing smoking in her room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 25, 2019, however, during a prehearing conference the parties agreed to postpone the hearing to explore a settlement of the matter. No settlement was reached, and on January 28, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 11, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner admitted, and the ALJ found, that Petitioner had violated motel rules by allowing her daughter's friends to smoke in the room. See Initial Decision at 5-6; see also Exhibit R-7. This violation resulted in Petitioner's eviction from the motel. See Initial Decision at 5; see also Exhibit R-7. As Petitioner had an open case with the Division of Child Protection and Permanency ("DCPP"), the Agency offered Petitioner and her daughter housing in another shelter, but Petitioner refused said housing. See Initial Decision at 5. Consequently, the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty for failing to comply with her SP by violating shelter rules. *Ibid.*; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c)(5), -6.6(a). Of note, prior to the January 28, 2019, hearing, the Agency again offered Petitioner shelter housing, and to rescind its termination of EA benefits, but Petitioner again refused. See Initial Decision at 2, 5. The ALJ found that Petitioner had executed three SPs which outlined her shelter rule obligations, and that she understood that both she and her daughter must comply with shelter rules, but failed to do so. *Id.* at 3-4, 6; see also Exhibits R-2, R-3, R-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. See Initial Decision at 6-7; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c)(5), -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, as Petitioner has been receiving continued assistance pending the outcome of the hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.



By way of further comment, as the record indicates that Petitioner has an open case with DCPD, a copy of the Initial and Final Decisions shall be forwarded to DCPD.

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

Officially approved final version.

Natasha Johnson
Director

MAR 18 2019

