



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 15812-18 T.P.

AGENCY DKT. NO. S614549012 (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"), and that she had exhausted her lifetime limit of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 11, 2018, the Honorable Susan L. Olgiate, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until December 14, 2018, for the Agency to produce a document, and then closed that day.

On January 4, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination regarding the Agency's termination of EA benefits for the SP violation. Here, the record reveals that Petitioner applied for EA benefits on August 15, 2018, and received an extension of EA benefits through the Provisional Housing Awaiting Supplemental Security Income ("PHASE") program. See Initial Decision at 2; see also Exhibits R-1, R-2. Petitioner has received 103 months of EA benefits. See Initial Decision at 2; see also Exhibit R-3. On October 3, 2018, Petitioner signed an SP and an EA Verification List, requiring her to secure an apartment, or one of two rooms that had been referred to her by October 15, 2018, and instructing her on how to do so. See Initial Decision at 2; see also Exhibits R-5, R-6. Petitioner failed to secure housing, and by notice dated October 15, 2018, the Agency terminated EA benefits and imposed a six-month EA ineligibility penalty, effective October 26, 2018, for failure to comply with the SP. See Initial Decision at 3; see also Exhibit R-8. Petitioner testified that she suffered mental health issues, that she thought she had until November to find housing, and that she found an apartment to rent for which she secured money orders dated October 31, 2018, after the termination of her benefits. See Initial Decision at 3-4. Petitioner also provided a court document concerning a child custody issue, which Petitioner testified that she had faxed to the Agency, stating that her request to change her child custody arrangement was denied. See Initial Decision at 4, n.3; see also Exhibit P-1. Petitioner claimed that the custody arrangement was denied due to her housing situation; however, the ALJ found that the document provided by Petitioner did not substantiate that claim. *Ibid.* After weighing the credibility of the witnesses and the evidence presented, the ALJ found that Petitioner had failed to comply with her SP without good cause. See Initial Decision at 5-6. The ALJ also found, and the Agency acknowledged, that although Petitioner has exhausted her lifetime limit of EA benefits, that she would have continued to be eligible for EA benefits under PHASE had she not violated her SP. *Id.* at 4-5; see also Exhibit R-3. The ALJ therefore concluded that the Agency's termination of Petitioner's EA benefits, as well as the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 7; see also Exhibit R-8, and N.J.A.C. 10:90-6.6(a), -6.9(b)(4). I agree.



Exceptions to the Initial Decision were filed by Petitioner on January 17, and January 29, 2019. Petitioner should note that evidence not presented to the ALJ at the plenary hearing is not permitted to be submitted in Exceptions. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions.").

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, Petitioner's six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision.

By way of further 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.

Also by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson
Director

FEB 14 2019

