



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **11510-24 T.R.**

AGENCY DKT. NO. **S645808012 (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 he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 23, 2024, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ") held a plenary hearing, took testimony and admitted documents. The matter had originally been scheduled as an emergent matter, but during the hearing, the matter was converted to a non-emergent case, with Petitioner's consent, as he requested additional time to submit documentation. The record remained open until August 28, 2024, for the submission of additional documentation and then closed. On September 17, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 hereby ADOPT the Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed SP. Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the record reveals that Petitioner has received EA, in the form of temporary emergency placement in a motel, since January 2023. See Initial Decision at 2. During the course of his receipt of EA, Petitioner has executed several SPs, the most recent on June 18, 2024, wherein he agreed, among other things, to conduct weekly housing searches, and to provide the Agency with housing-search logs as proof of such searches, and to participate in and comply with his mental-health treatment program including submitting documentation of such compliance, and wherein he was advised that failure to comply with his SP could affect his EA benefits eligibility. See Initial Decision at 2-3; see also Exhibits R-1, R-3, R-4, R-7, and N.J.A.C. 10:90-6.6(a).



During June 2024, Petitioner was advised by the Agency that he had not submitted a letter concerning his mental-health treatment program compliance since April 19, 2024, and that he had not submitted weekly housing logs, nor monthly subsidized-housing logs, for May and June. See Initial Decision at 3; see also Exhibit R-7, R-8. On July 30, 2024, the Agency was advised that Petitioner's mental-health treatment case was being closed due to his failure to participate in the program and his not responding to the treatment provider. See Initial Decision at 3; see also Exhibit R-10.

Although Petitioner made claims of an extenuating circumstance which prevented him from submitting the required housing-search logs, the ALJ found that Petitioner had failed to comply with his SP, by failing to conduct all required housing searches, and to provide proof of same to the Agency, with no good cause credibly shown to corroborate his claims. See Initial Decision at 5-7.

Petitioner further testified that he was participating in his mental-health treatment program and that he could provide letters documenting his compliance with the program for April, May, June, and July; however, he did testify that he had dropped out of the program and then re-enrolled two weeks prior to the August 2024 hearing. See Initial Decision at 3. The ALJ provided Petitioner the opportunity to submit missing documentation regarding compliance with the mental-health treatment program by August 28, 2024, however, no additional documents were submitted by that date, nor by the date of the Initial Decision. Ibid.

Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had failed to provide sufficient documentation to establish compliance with Petitioner's EA SP, and as such, the termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.6(a). I agree and further conclude, based upon an independent review of the record, that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. See Exhibit R-8; see also N.J.A.C. 10:90-6.6(a).

By way of comment, Petitioner is advised that his six-month EA ineligibility penalty began on August 18, 2024, and shall continue to be in effect until February 18, 2025. See Exhibit R-8.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

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

Officially approved final version. October 10, 2024

Natasha Johnson
Assistant Commissioner

