



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 06555-18 A.C.

AGENCY DKT. NO. C107403015 (OCEAN COUNTY BOARD 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") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 15, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 6, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on March 22, 2018, Petitioner was placed in a shelter and executed an SP wherein he agreed, among other things, to comply with motel/shelter rules, and that the only people allowed in his room at the shelter would be his children. See Initial Decision at 2; see also Exhibit R-2. Further, Petitioner signed a second shelter agreement from the Agency, noting that the EA benefits provided are for him only, and that they may be terminated for various reasons. See Initial Decision at 2-3; see also Exhibit R-4. Petitioner was moved to a motel in late March, 2018, and then to a second motel when he was asked to leave the first. See Initial Decision at 3; see also Exhibit R-5. On April 18, 2018, the manager of the second motel reported that Petitioner had been arrested after an altercation with police due to having too many people in his room who refused to leave. See Initial Decision at 4; see also Exhibits R-1, R-7. Thereafter, on April 19, 2018, the Agency terminated Petitioner's EA benefits and imposed a six-month EA ineligibility penalty, due to Petitioner's misconduct and non-compliance with his SP. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). Based on the testimony and evidence presented at the hearing, the ALJ found that, although Petitioner had not been arrested, one of his unauthorized guests had, and the Agency had met its burden of proof to establish that Petitioner had violated the terms of his SP by permitting multiple people in his room. See Initial Decision at 9. Therefore, the ALJ concluded that the Agency's termination of EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 9; see also Exhibit R-1, 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 received continued assistance pending the outcome of this fair hearing, Petitioner's six-month EA ineligibility penalty shall begin to run on the date of the issuance of this Final Agency Decision. See N.J.A.C. 10:90-6.3(c)(5), -6.6.



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.

Officially approved final version.

AUG 22 2018

Natasha Johnson

Director

