



State of New Jersey

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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 17051-17 B.G.

AGENCY DKT. NO. S606493012 (MIDDLESEX COUNTY BD OF SOC SCVS)

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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 5, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 25, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed three SPs wherein he agreed, among other things, to participate in a Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program assessment. See Initial Decision at 2-3; see also Exhibits R-2, R-3, and R-4. Petitioner also agreed to immediately accept a shelter placement, if available. See Exhibits R-2 at 2, R-3 at 2, and R-4 at 2. However, the record indicates that Petitioner failed to attend two scheduled SAI/BHI assessment appointments, and failed to move into any one of the two rooms made available to him. See Initial Decision at 4-5; see also Exhibits R-7, R-11 through R-14. Petitioner testified that he has had difficulty in scheduling the mental health appointments due to his health issues, and that two of the four housing placements offered to him were not "good fits." See Initial Decision at 2, 4; see also Exhibits R-7, R-11. Nevertheless, the ALJ found that Petitioner failed to comply with his SP by not attending the scheduled SAI/BHI assessments, and by failing to accept the available housing placements provided to him by the Agency, without good cause. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that Petitioner is ineligible for EA benefits, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6; see also Exhibit R-12, and N.J.A.C. 10:90-6.6(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, because I concur with the ALJ's conclusion that Petitioner failed to comply with his SP, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a). Further, because Petitioner has been receiving continued assistance pending the outcome of this hearing, his 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, 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.



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

Officially approved final version.

Natasha Johnson

Director

FEB 28 2018

