



State of New Jersey

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*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 08256-18 C.F.

AGENCY DKT. NO. C015039010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 3, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record then closed on that same date.

On July 16, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that in December 2017, Petitioner applied for EA benefits. See Initial Decision at 2. As a condition of receipt of EA benefits, Petitioner entered into a SP wherein she agreed, among other things, to complete five affordable housing searches per week and to document and submit her housing search efforts to the Agency. *Ibid.*; see also Exhibit R-6. During one week in February 2018, Petitioner submitted her weekly housing search containing only three of the required minimum of five searches, with some of the listed contact numbers being invalid. See Initial Decision at 2; see also Exhibit R-7 at 18. On March 23, 2018, Petitioner executed a revised SP wherein she agreed, in addition to the five housing searches per week, to physically visit two apartments per week, and document, along with her housing searches, which apartments she visited or applied for. See Initial Decision at 3; see also Exhibit R-5. On April 17, 2018, the Agency sent Petitioner a letter warning her about her failure to submit her housing searches on a timely basis. See Initial Decision at 3; see also Exhibit R-4. The letter further warned Petitioner that any future violations of her SP would result in the immediate termination of her EA benefits. *Ibid.* On April 27, 2018, Petitioner submitted a housing search form documenting eight housing searches. See Initial Decision at 3; see also Exhibit R-7 at 12. The Agency was unable to follow up on the listed contacts because one of the listed phone numbers was not in service, one phone number was for a newspaper and not a potential landlord, and one of the listed contacts knew nothing about a listing for an apartment rental. See Initial Decision at 3. On a later date, Petitioner submitted housing forms to the Agency showing that for the entire month of May 2018, she visited only two potential affordable housing units. *Id.* at 3-4; see also Exhibit R-7 at 5-9. On June 1, 2018, the Agency notified Petitioner that her EA benefits were being terminated, effective June 10, 2018, for failing to comply with the terms of her SP. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a).

The ALJ found that Petitioner's testimony confirmed the Agency's proofs regarding her failure to comply with her SP, and that she presented no good cause to justify her failure to do so. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand, and consequently, the ALJ imposed upon Petitioner a six-month period of ineligibility for EA benefits. *Id.* at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree.



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 this hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. See N.J.A.C. 10:90-6.6(a).

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.

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

Officially approved final version.

**AUG 27 2018**

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Natasha Johnson

Director

