



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 18133-17 D.T.

AGENCY DKT. NO. C063541008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). 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 January 12, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record remained open for Petitioner to provide medical documentation and then closed on January 19, 2018.

On January 24, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to keep all scheduled appointments. See Initial Decision at 2; see also Exhibit R-3 at 7. However, Petitioner missed two scheduled appointments on November 9, 2017, and November 21, 2017. See Initial Decision at 2; see also Exhibit R-1 at 1, 6, and 7. Petitioner testified that she missed the two scheduled appointments because she had lost her paperwork pertaining to the November 9, 2017, appointment, and on November 21, 2017, she was ill. See Initial Decision at 2. The ALJ found that Petitioner had failed to contact the Agency in advance of either of those appointments to reschedule, and also failed to provide any proof that she was ill and unable to attend the November 21, 2017, appointment. Id. at 2-3. Therefore, the ALJ found that Petitioner violated the terms of her SP without good cause when she failed to attend the scheduled SP appointments on November 9, 2017, and November 21, 2017. Id. at 3. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 7, 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 her SP, without good cause, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA ineligibility penalty shall run from November 30, 2017, the effective date of the Agency's termination of EA benefits, through May 29, 2018. See Exhibit R-1 at 7.

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.



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

Officially approved final version.

JAN 31 2018

Natasha Johnson

Director

