



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 02113-18 F.S.

AGENCY DKT. NO. C164964011 (MERCER COUNTY BOARD 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 he failed to comply with his EA service plan ("SP") by violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 6, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 27, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on November 21, 2017, Petitioner executed an SP wherein he agreed, among other things, to comply with shelter rules. See Initial Decision at 4; see also Exhibit R-2. However, on several occasions, Petitioner violated the shelter's curfew policy, resulting in his ejection from the shelter placement. See Initial Decision at 2-3; see also Exhibits R-3, R-4, R-5. Based on the foregoing, the Agency determined that Petitioner had failed to comply with his SP, and terminated his EA benefits. See Initial Decision at 1; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). The ALJ found that Petitioner had violated the shelter's curfew policy on several occasions, resulting in his eviction, but that the Agency did not contend that Petitioner had been ejected from a shelter placement on two or more prior occasions for violating curfew or other facility policies. See Initial Decision at 8-9. As such, in accordance with N.J.A.C. 10:90-6.3(e), (f), the ALJ found that regardless of Petitioner's curfew violations, he remained eligible for EA benefits. See Initial Decision at 7-9. Moreover the ALJ found that Petitioner had barriers that prevented him from complying with the terms of his SP, as well as shelter rules, and as such, that he had good cause for his non-compliance. Id. at 5-6, 8-9; see also N.J.A.C. 10:90-6.3(g). Accordingly, the ALJ found Petitioner eligible for EA benefits, and ordered the Agency to provide Petitioner with an appropriate housing placement and to amend Petitioner's SP to address his compliance barriers. See Initial Decision at 9. I agree.

Exceptions to the Initial Decision were filed by the Agency on April 11, 2018.

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, Petitioner is advised that any future violation of his SP, including ejection from another EA placement, without good cause, may result in a termination of his EA benefits for a period of six months. See N.J.A.C. 10:90-6.3(c), (e), and -6.6(a).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version.

APR 30 2018

Natasha Johnson

Director

