



## State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 07766-18 I.R.

AGENCY DKT. NO. S606516012 (MIDDLESEX 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 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 June 16, 2018, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 17, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on December 20, 2016, Petitioner applied for EA benefits. See Initial Decision at 2; see also Exhibit R-A. On that same date, Petitioner entered into a SP wherein he agreed, among other things, to search for affordable housing and submit proof of searches weekly. See Initial Decision at 2; see also Exhibit R-C. Petitioner executed five additional SPs, subsequent to December 20, 2016, containing identical language, with the latest SP being executed on April 25, 2018. See Initial Decision at 3; see also Exhibits R-D, R-E, R-F, R-G, and R-H. The April 25, 2018, SP, also advised Petitioner that he was required to find affordable housing by May 4, 2018. See Initial Decision at 3; see also Exhibit R-H at 2.

On April 25, 2018, the Agency notified Petitioner that affordable housing was available at two locations. See Initial Decision at 4; see also Exhibit R-M. The letter further advised Petitioner that, he was to make an appointment to visit both housing locations, was required to accept one of those apartments if offered, and was to return the New Apartment Information and W-9 forms to the Agency by May 11, 2018. Ibid. Petitioner testified that he did attempt to comply with the Agency's request to look for housing and did look at the two properties provided by the Agency on April 25, 2018. See Initial Decision at 5. Petitioner testified further that one of the properties was in a neighborhood where drugs and alcohol were prevalent, and that when he returned to have the forms signed by the landlord regarding the second property he was interested in renting, the landlord had already rented it to another tenant. Ibid. On May 17, 2018, the Agency notified Petitioner that his EA benefits were being terminated, effective May 29, 2018, for failing to comply with the terms of his SP. See Initial Decision at 4; see also Exhibit R-O, and N.J.A.C. 10:90-6.6(a). Notably, Petitioner provided the Agency with housing search logs only for the period of September 2017, through May 2018. See Initial Decision at 4; see also Exhibit R-N.

The ALJ found that Petitioner failed to comply with his SP by not providing housing search logs for the entire period he was receiving EA, dating back to December 2016, and that he presented no good cause to justify his failure to do so. See Initial Decision at 7. The ALJ further found that Petitioner did not provide proof of obtaining affordable housing to the Agency within the time frames given within his numerous SPs. Ibid. The ALJ also took into consideration Petitioner's physical and mental ailments, but found that the Agency had assisted Petitioner for more than 18 months in his effort to



secure affordable housing. Id. at 4, 5-6. Based upon the testimonial and documentary evidence, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 7; see also Exhibit R-O, and N.J.A.C. 10:90-6.6(a). I agree. Additionally, because I agree with the ALJ's conclusion that Petitioner failed to comply with his SP, without good cause, I hereby impose upon him a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a).

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 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.

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 28 2018**

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Natasha Johnson

Director

