



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 08748-18 K.M.

AGENCY DKT. NO. S500817012 (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 she violated the terms of her EA service plan ("SP") when she was evicted from her motel placement for having unauthorized pets, and for nonpayment of her portion of the rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 26, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 27, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on June 27, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the ALJ found that Petitioner allowing unauthorized cats to reside in her motel room was a minor violation, and that this was her first eviction from a motel/shelter placement for such violation. See Initial Decision at 5-6; see also Exhibits R-8, R-12, and R-13. Therefore, the ALJ concluded that Petitioner is eligible for continued EA benefits. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.3(e), (f). Further, the ALJ found that Petitioner had good cause for failing to timely pay her required motel payment, and as such, that she has not violated the terms of her SP. See Initial Decision at 3, 6-7; see also Exhibit R-6, and N.J.A.C. 10:90-6.6(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. See Initial Decision at 7; see also Exhibit R-14. Based on Petitioner's particular circumstances, I concur with the ALJ's ultimate conclusion.

By way of comment, in light of Exhibit R-12, the Agency shall find Petitioner an appropriate placement which will allow pets and/or service animals, and Petitioner is advised that she is responsible for the payment of any deposit, annual, or monthly, pet fees which may be required by the rentor.



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.

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

Officially approved final version.

JUN 29 2018

Natasha Johnson

Director

