



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 17227-17 L.S.

AGENCY DKT. NO. S492912012 (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 December 12, 2017, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 26, 2017, the ALJ issued an Initial Decision affirming the Agency determination. Here, the record reflects that Petitioner executed multiple SPs wherein he agreed, among other things, to abide by the rules of the facility of placement and attend a medical, substance abuse, or mental health evaluation. See Initial Decision at 2-3; see also Exhibits R-2 and R-3. The ALJ determined that, based on the evidence presented, the Agency offered sufficient competent evidence to establish that Petitioner failed to comply with his SPs by failing to comply with shelter/motel rules, and by failing to attend a scheduled assessment. See Initial Decision at 7. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must be affirmed. *Ibid.*; see also N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law as contained in the Initial Decision.

Additionally, as I agree with the ALJ that Petitioner failed to comply with his SPs, without good cause, I hereby impose upon him a six-month period of EA benefits ineligibility. See N.J.A.C. 10:90-6.6(a). As Petitioner has received continued assistance pending the outcome of this fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.



Accordingly, the Initial Decision in the action is hereby ADOPTED and the Agency action is AFFIRMED.

Officially approved final version.

JAN 30 2018

Natasha Johnson

Director

