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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 04922-18 Y.L.

AGENCY DKT. NO. C202125009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, due to Petitioner's non-compliance with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 10, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same day, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on January 23, 2018, Petitioner executed an SP wherein she agreed, among other things, to comply with shelter rules. See Initial Decision at 2; see also Exhibit R-5. On February 12, 2018, the Agency was notified that Petitioner was absent from the shelter without approval for seven consecutive days (February 5, 2018 through February 11, 2018). See Initial Decision at 3; see also Exhibit R-7 at 3. On February 20, 2018, Petitioner was warned that her behavior, specifically, being absent from the shelter without approval, violated the shelter's rules. See Exhibit R-1 at 2. On that same day, Petitioner signed an updated SP, agreeing again to "comply with the rules of the shelter." See Initial Decision at 2; see also Exhibit R-2. On February 22, 2018, the Agency was notified that Petitioner had not shown up at the shelter on the previous night. See Exhibit R-7 at 5. The shelter had also informed the Agency that Petitioner did not show on the evenings of February 15 and 23, 2018, and that Petitioner had been absent from the shelter since March 3, 2018. See Exhibit R-7 at 4, 8, and 9. Petitioner testified and acknowledged that on several dates, she did not follow the shelter rules, but believed her absences were justified. See Initial Decision at 2. The ALJ disagreed, and found that Petitioner violated the shelter's rules and caused her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(ix). The ALJ further found that Petitioner failed to timely notify the shelter and the Agency her reasons for not returning to the shelter or following the shelter's rules. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that Petitioner failed to comply with her SP, without good cause, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-4.11(a), -6.3(c), -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 findings that Petitioner failed to comply with her SP, without good cause, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits, beginning February 23, 2018,



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the date of the Agency's termination of EA benefits, through August 22, 2018. See Exhibit R-1 at 2; see also N.J.A.C. 10:90-6.3 (e)(1)(ii), -6.6(a).

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.

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

Officially approved final version.

APR 17 2018

Natasha Johnson

Director

