



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 04841-18 Y.P.

AGENCY DKT. NO. C077710011 (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 she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to submit additional information. The record then closed on May 30, 2018.

On June 7, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to "accept Emergency Housing as offered by [the] Agency," and to "[a]ccept all offered subsidized housing offers." See Initial Decision at 3; see also Exhibit R-2 at 2. Petitioner refused to accept an available room at a rooming house, offered by the Agency, claiming that the rent was not affordable on her Supplemental Security Income. See Initial Decision at 3. As a result, the Agency terminated Petitioner's EA benefits contending that she violated the terms of her SP. *Id.* at 4; see also Exhibit R-1, R-2, and N.J.A.C. 10:90-6.6(a). The ALJ found, however, and the record substantiates, that Petitioner's SP does not mandate that she accept anything other than Emergency Housing or subsidized housing, and therefore, that Petitioner's refusal to accept the placement located by the Agency on her behalf was not a violation of her SP. See Initial Decision at 5-6; see also Exhibit R-2. Therefore, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, on the basis that Petitioner failed to comply with her SP, was improper and must be reversed. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(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.



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

Officially approved final version.

JUL 03 2011

Natasha Johnson
Director

