



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 17447-18 B.D.

AGENCY DKT. NO. C234774009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Supplemental Nutrition Assistance Program ("SNAP"), and 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, contending that Petitioner failed to comply with his EA service plan ("SP") by failing to secure permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 27, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open pending receipt of information from Petitioner's landlord regarding possible settlement, but no settlement being reached, the record then closed on January 4, 2019.

On January 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP, wherein he agreed, among other things, to secure permanent affordable housing. See Initial Decision at 4; see also Exhibit R-1. However, Petitioner failed to secure permanent housing, and when the Agency had found several appropriate apartments for Petitioner, taking into consideration Petitioner's medical issues, he refused to view or accept any of those apartments. See Initial Decision at 3-4; see also Exhibits R-2, R-5, R-6, and R-8 through R-14. Specifically, the Agency testified that Petitioner refused one apartment because the children's bedroom was next to the kitchen. See Initial Decision at 4. Petitioner claimed that some of those apartments would not accept EA benefits; however, the Agency testified that it only referred clients to landlords that accept EA benefits. Ibid. The ALJ did not find Petitioner's claim credible, and also found that Petitioner had failed to offer any evidence explaining his failure to view some apartments and reject others. Ibid. Moreover, the ALJ found that Petitioner received sufficient and repeated warnings from the Agency of the consequences resulting from his continued refusal to accept appropriate housing when offered. Id. at 5; see also Exhibits R-6, and R-8 through R-14. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with his SP, without good cause, and therefore, the Agency's termination of his EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6; see also Exhibit R-7 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.



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By way of comment, the transmittal in this matter indicates that Petitioner also appealed terminations of WFNJ/TANF and SNAP benefits, respectively. However, the record reflects that Petitioner's WFNJ/TANF and SNAP benefits were reinstated on December 5, 2018, and as such, those issues were not addressed in the Initial Decision. See Initial Decision at 2-3. Accordingly, I find that Petitioner's WFNJ/TANF and SNAP benefits issues are now moot, and as such, need not be addressed in this Final Agency Decision.

By way of further comment, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, I find that his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. See N.J.A.C. 10:90-6.6(a).

Also by way of 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.

JAN 16 2019

Natasha Johnson

Director

