



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 08384-19 C.R.

AGENCY DKT. NO. C053399012 (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 failed to comply with her EA service plan ("SP") by failing to accept permanent affordable housing when offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 25, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on June 25, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed SP. Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. Ibid.

Here, Petitioner executed an SP wherein she agreed, among other things, that she "must accept permanent affordable housing if it is offered to her." See Exhibit I. The record reflects that Petitioner rejected two permanent housing options offered to her by the Agency, and as a result the Agency terminated Petitioner's EA benefits for failure to comply with her SP. See Initial Decision at 2; see also Exhibits G, L, M, and N.J.A.C. 10:90-6.3(a)(1), -6.6(a). However, the record reflects that Petitioner refused the housing offered because of the drug activity that occurs at those housing units, and she was concerned that living there would be detrimental to her sobriety because of her history of addiction. See Initial Decision at 3. The record also reflects that Petitioner has been "clean" since October 2018. Ibid. The Agency acknowledged that Petitioner's concerns were legitimate. Ibid. Moreover, the ALJ found that Petitioner is working with other agencies in her search



for permanent affordable housing, is willing to accept any form of housing offered by the Agency, and is otherwise fully compliant with her SP. Ibid. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. Id. at 3-4; see also Exhibit M. I agree, and furthermore, based on the record presented, I find that Petitioner had good cause for failing to comply with her SP. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

JUL - 2 2019

Natasha Johnson

Director

