



State of New Jersey

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Governor

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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 16307-18 D.B.

AGENCY DKT. NO. S566212012 (MIDDLESEX COUNTY BD. OF SOC. 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, contending that she violated her EA Service Plans ("SPs") by refusing to accept permanent housing offered to her. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 18, 2018, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 27, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed three SPs, wherein she agreed to submit weekly housing search logs and locate and accept permanent affordable housing, if offered. See Initial Decision at 2-3; see also Exhibit R-1 at Documents C, D, and E, and N.J.A.C. 10:90-6.6(a), -6.9. On October 11, 2018, the Agency notified Petitioner that it had found two rooms in rooming houses, and offered them to Petitioner. See Initial Decision at 3; see also Exhibit R-1 at Document J. Petitioner had until October 31, 2018, to accept one of the offers, and failed to do so. *Ibid.* Further, on October 26, 2018, upon being approved for EA benefits under PHASE, Petitioner was informed, in the approval letter, that she was required to respond to one of the two permanent housing offers by October 31, 2018, or risk termination of her EA benefits. See Initial Decision at 3-4; see also Exhibit R-1 at Document K. Petitioner did not do so, and the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, effective November 9, 2018. See Initial Decision at 4; see also Exhibit R-1 at Document L. The ALJ found that Petitioner had been given proper notice to find permanent affordable housing; that she had failed to secure permanent affordable housing, without good cause given for such failure; that she had refused permanent housing offered to her by the Agency; and therefore, that she is ineligible for EA benefits under PHASE for violation of her SPs. See Initial Decision at 5-6. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. *Id.* at 6-7; see also Exhibit R-1 at Document L, and N.J.A.C. 10:90-6.6(a), -6.9. 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, as Petitioner has been receiving continued assistance throughout the pendency of this matter, the six-month EA ineligibility penalty shall begin to run from the date of issuance of this Final Agency Decision.



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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.

**JAN 30 2019**

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Natasha Johnson

Director

