



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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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 00179-19 D.J.

AGENCY DKT. NO. C083323012 (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, because she had failed to comply with her EA service plan ("SP") by violating motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 29, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties to submit documents, and then closed on February 7, 2019.

On February 25, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that the Agency's testimony and substantiating documentation established that Petitioner had violated motel rules by smoking in undesignated areas, resulting in her termination from the motel placement, in violation of her SP. See Initial Decision at 2-4; see also Exhibits R-B, R-G, R-H, R-J. The ALJ further found that Petitioner's testimony, claiming that she had not been smoking in her motel room, and the documentation she presented to substantiate that claim, were not credible. See Initial Decision at 4-5; see also Exhibits C-1, C-2. Based on the testimony and evidence presented, the ALJ concluded that Petitioner had violated the health and safety policies of the motel, resulting in her termination from the motel, and thereby failing to comply with her SP. See Initial Decision at 5-7. Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 8-9; see also Exhibit R-1, and N.J.A.C. 10:90-6.3(c)(5), -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, as Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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.

**MAR 28 2019**

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Natasha Johnson  
Director

