



State of New Jersey

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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 15395-18 J.H.

AGENCY DKT. NO. C152972003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's terminations 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 he violated shelter rules; and also terminated Petitioner's EA benefits contending that he failed to comply with his EA service plan ("SP") by failing to comply with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 7, 2018, the ALJ issued an Initial Decision, reversing the Agency's determinations. Here, the record reflects that by notice dated October 17, 2018, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner was removed from his first shelter placement for violating shelter rules by being absent from the shelter on the evening of October 14, 2018; and was removed from the second shelter placement for having unauthorized persons staying in his room, and for being absent from the shelter on October 17, 2018. See Initial Decision at 2-4; see also Exhibits R-6 to R-9, R-21, and N.J.A.C. 10:90-6.3(e)(1)(ii). The record also reflects that by notice dated October 18, 2018, the Agency also terminated Petitioner's EA benefits for failing to comply with his SP by failing to participate in the SAI/BHI program. See Initial Decision at 3-4; see also Exhibits R-10 to R-13, and N.J.A.C. 10:90-6.6(a).

The ALJ found, and Petitioner acknowledged, that he was removed from his first shelter placement for violating the shelter rules by being absent from the shelter on the evening of October 14, 2018. See Initial Decision at 5. However, the ALJ found that the Agency had failed to provide competent evidence to support its claim that Petitioner was also removed from his second shelter placement because he had unauthorized persons staying in his room, and he did not stay in his room on October 17, 2018. See Initial Decision at 5-6; see also Exhibit R-25, and N.J.A.C. 1:15.5(a), (b). The ALJ also found that the Agency had failed to provide any evidence to support its claim that Petitioner violated the terms of his SP by failing to participate in the SAI/BHI program. See Initial Decision at 7. Moreover, the SP provided in the record, wherein Petitioner agreed to participate in the SAI/BHI program, was executed by Petitioner on October 29, 2018, which was after the Agency's notice of termination dated October 18, 2018, for failure to comply with said SP. See Exhibit R-26. Based on the foregoing, the ALJ concluded that both of the Agency's terminations of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were improper and must be reversed. See Initial Decision at 7-9; see also Exhibits R-6 to R-9, R-10 to R-13. I agree.

No Exceptions to the Initial Decision were received.



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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, Petitioner is advised that any future violation of shelter rules or any future SP violation may result in the termination of his EA benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 9; see also N.J.A.C. 10:90-6.3(c), (e), and -6.6(a).

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

Officially approved final version.

Natasha Johnson
Director

JAN - 8 2019

