



State of New Jersey

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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 14598-18 K.D.

AGENCY DKT. NO. C262918009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he had exhausted his lifetime limit of EA benefits, and for failure to comply with his EA Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was scheduled for October 25, 2018, but adjourned at the Agency's request and rescheduled for November 19, 2018. On November 19, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow for submission of documents, and then closed on November 20, 2018. On December 5, 2018, the ALJ issued an Initial Decision, affirming 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 AFFIRM the Agency's determination.

Here, the record reflects that Petitioner has received 12 months of EA benefits. See Initial Decision at 2; see also Exhibit R-1. Based on the foregoing, the ALJ found that Petitioner has exhausted his lifetime limit of EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.4(a). The ALJ also found that Petitioner did not meet any of the criteria for an extreme hardship extension of EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.4(b). Therefore, the ALJ concluded that the Agency's termination of EA benefits was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.4(a), (b). I agree.

Additionally, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to provide information and attend meetings in order to continue to receive EA benefits. See Initial Decision at 3; see also Exhibit R-2. The Agency sent Petitioner requests for documents on July 13, and 17, 2018, to which Petitioner partially responded. See Initial Decision at 2-3; see also Exhibits R-3, R-4. However, Petitioner did not attend the scheduled SP meeting, and was warned by the Agency that



if he did not contact them within one week, his EA benefits would be terminated. See Initial Decision at 3. Petitioner testified that he could not attend the meeting because he was out of state at a family funeral; however, the Agency testified that they were not notified of such in a timely manner. Ibid. Petitioner contacted the Agency approximately one month after his EA benefits were terminated, and the Agency informed him of his right to request a fair hearing. Ibid. After assessing the credibility of the witnesses, the ALJ concluded that Petitioner had failed to comply with his SP, and that a termination of Petitioner's EA benefits, on that basis, was also proper. See Initial Decision at 6-7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I also agree.

By way of comment, because I agree with the ALJ's finding that Petitioner failed to comply with his SP, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA ineligibility penalty shall run from the effective date of the Agency's termination, August 20, 2018, through February 19, 2019. See Exhibit R-1; see also N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

JAN - 2 2019

Natasha Johnson

Director

