



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 09293-19 L.P.

AGENCY DKT. NO. S511675012 (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 he failed to comply with his EA service plan ("SP") and violated shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 13, 2019, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 21, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on April 2, and May 20, 2019, Petitioner executed SPs, wherein he agreed, among other things, to conduct weekly housing searches and to provide proof of same to the Agency every Friday. See Initial Decision at 2-3; see also Exhibit R-1 at B, E. However, even with additional time given to do so, and a list of housing leads provided, Petitioner failed to provide the required housing searches to the Agency. See Initial Decision at 3; see also Exhibit R-1 at F, G. As a result, the Agency terminated Petitioner's EA benefits, effective July 8, 2019, and imposed a six-month EA ineligibility penalty. See Initial Decision at 3; see also Exhibit R-1 at H, L, and N.J.A.C. 10:90-6.6(a). The ALJ found that Petitioner had failed to conduct and submit the mandatory housing searches to the Agency between April 20, and June 19, 2019, without good cause, in violation of his SP. See Initial Decision at 4. 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 4-5; see also Exhibit R-1 at H, and N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). I agree.

The ALJ also found, and the record substantiates, that Petitioner was terminated from his motel placement due to violations of health and safety rules, and destruction of property. See Initial Decision at 3, 5; see also Exhibit R-1 at I, J. Specifically, the record reflects that Petitioner was smoking in his room against motel policy, which action resulted in the comforter and sheets on Petitioner's bed catching fire. *Ibid.* Based on the foregoing, the ALJ also 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. See Initial Decision at 4-5; see also Exhibit R-1 at K, and N.J.A.C. 10:90-6.3(c)(2), (5). I also 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 this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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

Officially approved final version.

SEP 19 2019

Natasha Johnson

Director

