



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 09820-19 L.T.

AGENCY DKT. NO. S547250012 (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") by failing to secure permanent affordable housing and by failing to provide information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 9, 2019, the Honorable Carl V. Buck, III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Petitioner requested, and was granted, additional time to provide documents. Petitioner provided such documents on August 14, 2019, and the record then closed.

On September 4, 2019, the ALJ issued an Initial Decision affirming the Agency's determination. Here, the record reveals that on November 21, 2018, as well as January 11, March 11, April 29, and June 24, 2019, Petitioner executed SPs wherein he agreed to seek and secure permanent affordable housing. See Initial Decision at 2-3; see also Exhibits R-2, R-4, R-6, R-12, and R-14, and N.J.A.C. 10:90-6.6(a). Additionally, Petitioner's June 24, 2019, SP required him to pursue an appeal of the denial of Supplemental Security Income ("SSI") benefits. See Initial Decision at 4; see also Exhibits R-14, R-17, R-18. The ALJ found that the Agency had provided Petitioner with referrals to, and lists of, available housing, and had given Petitioner many opportunities to secure permanent affordable housing, but he failed to do so, without good cause. See Initial Decision at 4, 6; see also Exhibits R-7, R-9, R-10, R-16. Further, Petitioner had not provided the Agency with proof of his SSI benefits appeal by the date set forth by the Agency. See Initial Decision at 4. The record also reflects that Petitioner had been receiving EA benefits for his housing since November 2018, and has yet to secure permanent housing. See Initial Decision at 5; see also Exhibit R-20. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with his SP, and that the Agency's termination of Petitioner's EA benefits, and the imposition of the six-month EA ineligibility penalty, was proper and must stand. See Initial Decision at 5-6; see also Exhibit R-19, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on September 18, 2019.



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.

By way of comment, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision. See N.J.A.C. 10:90-6.6(a).

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed Petitioner's Exceptions and find that they do not alter my decision in this matter.

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

Officially approved final version.

SEP 26 2019

Natasha Johnson

Director

