



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 01796-19 M.I.

AGENCY DKT. NO. C039679005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, the termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's WFNJ/GA benefits, contending that she failed to apply for Supplemental Security Income ("SSI") benefits, and terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she violated motel rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 8, 2019, the Honorable Kathleen M. Calemno, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 11, 2019, 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.

"A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; [SSI]; Retirement, Survivors and Disability Insurance; or Veteran's benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance." N.J.A.C. 10:90-1.12.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, the destruction of shelter property or the property of others. See N.J.A.C. 10:90-6.3(c)(2).

Here, the record reflects that, despite Agency assistance, Petitioner failed to apply for SSI benefits as required under regulatory authority, and as a result, the Agency terminated Petitioner's WFNJ/GA benefits. See Initial Decision at 6; see also Exhibit R-3 at 19, 28, 34-38, 45-48, and N.J.A.C.



10:90-1.12. Although Petitioner claimed that she had applied for SSI in October 2018, the ALJ found that Petitioner failed to provide proof to substantiate that claim. See Initial Decision at 6-7. Further, the record indicates that the Agency was unable to electronically confirm Petitioner's filing of an SSI application on the Social Security Administration website. Id. at 7. Based on the foregoing, I concur with the ALJ's conclusion that the Agency properly terminated Petitioner's WFNJ/GA benefits. Id. at 8; see also Exhibit R-3 at 34-38, and N.J.A.C. 10:90-1.12.

The record also reflects that Petitioner was evicted from her motel placement due to destruction of property, and as a result, the Agency terminated Petitioner's EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 12-13, 23, 25, and N.J.A.C. 10:90-6.3(c)(2). Although Petitioner claimed that the destruction of the motel property, particularly the broken window and the broken door handle, was the result of an attempted break-in and robbery, the ALJ found that Petitioner's testimony was not credible. See Initial Decision at 3-6. Specifically, the ALJ found that Petitioner did not report the attempted robbery to the police until eight days later, after she had found out that her EA benefits were being terminated, and that she was unable to provide an explanation of how the window was broken. Id. at 5-6. Based on the admissible evidence, 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 7-8; see also Exhibit R-1 at 12-13, and N.J.A.C. 10:90-6.3(c)(2). Moreover, because the ALJ concluded that the Agency's termination of WFNJ/GA benefits was proper, I find that Petitioner is ineligible for EA benefits because she is no longer a WFNJ benefits recipient. See Initial Decision at 8; see also N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and SSI benefits recipients).

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from December 20, 2018, the date of the Agency's termination, through June 19, 2019. See Exhibit R-1 at 35-36; see also N.J.A.C. 10:90-6.3(c).

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

Officially approved final version. FEB 25 2019

Natasha Johnson

Director

