



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 05743-19 P.B.

AGENCY DKT. NO. C271096009 (HUDSON COUNTY DEPT OF FAM 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 she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 20, 2019, the Honorable Andrew Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 5, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had violated the terms of her SP by failing to attend certain meetings and by failing to provide required documentation, without good cause. See Initial Decision at 2-3; see also Exhibit R-4. Further, the record reflects that Petitioner has been terminated from three shelter placements for failure to comply with shelter rules. See Initial Decision at 2; see also Exhibits R-6, R-7, "YMCA Discharge Form" dated April 18, 2019, "St. Joseph's Home letter" dated September 24, 2018, and N.J.A.C. 10:90-6.3(e). Based on the foregoing, 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. See Initial Decision at 3-4; see also "WFNJ-15/FSP-15 Notice" dated April 23, 2019, and N.J.A.C. 10:90-6.6(a). I agree. Nevertheless, because Petitioner has applied for Section 8 housing, the Agency has agreed to provide Petitioner with EA benefits in the form of a security deposit only, should she be approved for such housing. See Initial Decision at 2; see also Exhibit R-5. Accordingly, the ALJ further concluded that the Agency's imposition of a six-month EA ineligibility penalty shall not bar Petitioner from receiving EA benefits in the form of a security deposit for affordable housing. See Initial Decision at 3-4. 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 issuance of this Final Agency Decision. See N.J.A.C. 10:90-6.6(a).

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

Officially approved final version.

AUG - 8 2019

Natasha Johnson

Director

