



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 06468-19 S.J.

AGENCY DKT. NO. S493742012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits and 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 accept permanent affordable housing when offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for June 7, 2019, and then adjourned for two weeks to allow Petitioner time to find permanent housing with the assistance of the Agency. On June 28, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 3, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner executed an SP wherein he agreed, among other things, to accept permanent housing if offered by the Agency, and to search for affordable housing. See Initial Decision at 2; see also Exhibits R-2, R-10. The record reflects that Petitioner rejected two permanent housing options offered to him by the Agency and, as a result, the Agency terminated Petitioner's EA benefits for failure to comply with his SP. See Initial Decision at 3; see also Exhibits R-6, R-7, and N.J.A.C. 10:90-6.3(a)(1), -6.6(a). Thereafter, Petitioner met with his case worker, who gave him information for a new room to rent within his budget. See Initial Decision at 3; see also Exhibit R-8. The Agency agreed to withdraw the termination if Petitioner rented the room by a date certain. *Ibid.* However, Petitioner did not rent the room, and on May 2, 2019, the Agency issued a second notice of termination. See Initial Decision at 3; see also Exhibit R-9. On June 27, 2019, after the ALJ had postponed the scheduled hearing to allow Petitioner time to secure housing, the Agency found three rooms for Petitioner, one of which Petitioner stated that he would contact. See Initial Decision at 3. However, Petitioner admits that never he contacted the landlord of the room, claiming that he did not have a telephone to do so. *Id.* at 4. The ALJ found that, although the Agency had tried to assist Petitioner, Petitioner did not attempt to secure housing and did not mention that he did not have a telephone to the Agency. *Id.* at 5. Based on the foregoing, the ALJ concluded that Petitioner did not show good cause for failing to comply with his SP, and 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. Ibid.; see also Exhibit R-9, and N.J.A.C. 10:90-6.6(a). I agree.

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.

By way of comment, because Petitioner has been receiving continued assistance during the pendency of this hearing, Petitioner's six-month EA ineligibility penalty shall run from the date of issuance of this Final Agency Decision.

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

Officially approved final version.

Natasha Johnson
Director

AUG - 8 2019

