



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 00022-19 Y.P.

AGENCY DKT. NO. C077710011 (MERCER COUNTY BOARD OF SOC. SVCS..)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP") by failing to pay her pro rata share of her monthly housing costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 19, 2019, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until February 22, 2019, to allow Petitioner to submit additional exhibits, with the Agency then being permitted to file objections to any such submissions by February 25, 2019. Petitioner did not file submissions by February 22, and the record was closed. However, on February 25, 2019, Petitioner faxed a letter to the ALJ requesting an extension of time to submit additional exhibits, and submitted a motion to reopen the record. Both were denied, and the record remained closed as of February 22, 2019.

On March 8, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to pay her required share of the monthly motel rental costs. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.5(a), -6.6(a). However, Petitioner failed to pay her share of the monthly motel rent, contending that she withheld such payment due to an infestation of mice, bedbugs, and roaches, and a leak in her sink. See Initial Decision at 1, 3; see also Exhibits P-1, P-2. Petitioner also testified that she was unable to afford her portion of the monthly rent because her funds were expended on items necessary to address the infestation, and to replace food and clothing damaged by that infestation. See Initial Decision at 3. However, the ALJ found that Petitioner had a statutory obligation to pay her portion of the monthly rent regardless of the condition of her motel placement, but failed to do so, and that she failed to provide any documentation to substantiate any of the expenses that she claimed she had incurred as a result of the alleged infestation. See Initial Decision at 4-5; see also Exhibit R-3, and N.J.A.C. 10:90-6.5(a), -6.6(a). Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, affirmed the Agency's termination of Petitioner's EA benefits, and imposed upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also Exhibit R-1, 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 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, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of issuance of this Final Agency Decision.



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

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

Officially approved final version.

APR 15 2019

Natasha Johnson

Director

