



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

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 17855-19 C.R.

AGENCY DKT NO C053399012 (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 Petitioner failed to comply with her EA service plan ("SP") by failing to secure permanent affordable housing, and by failing to submit required weekly housing search logs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for December 6, 2019, but was adjourned at the request of Petitioner and was rescheduled for December 13, 2019. Petitioner failed to appear at that rescheduled hearing, and the matter was again rescheduled. On January 21, 2020, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 6, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on August 5, 2019, Petitioner executed an SP wherein she agreed, among other things, to submit weekly housing search logs, and to secure permanent affordable housing within 30 to 60 days of the execution date of the SP. See Initial Decision at 3; see also Exhibit R-5. Although Petitioner failed to secure permanent housing within that time frame, she was given another opportunity to do so, and on October 2, 2019, executed a new SP wherein she agreed, among other things, to "find affordable housing by October 11, 2019," to "actively look for permanent housing," to submit weekly housing search logs with at least ten landlord contacts, and to accept permanent affordable housing if it was offered to her. See Initial Decision at 3; see also Exhibit R-8. Also, on October 2, 2019, the Agency provided Petitioner with contact information for three landlords regarding permanent housing known to be available. See Initial Decision at 3-4; see also Exhibit R-10. Petitioner testified that she did not contact one of the landlords because she had personal knowledge that a drug dealer lived in that particular rental property, and that she could not reside there due to her past problem with addiction. See Initial Decision at 4. The ALJ concluded that Petitioner had good cause for failing to contact that particular landlord. *Id.* at 5-6. However, the ALJ found that Petitioner had failed to contact the other two rental property landlords, as evidenced by her housing search log which fails to indicate any such contact. *Id.* at 6; see also Exhibit R-15. Further, the ALJ found that, if Petitioner had contacted those two landlords, she would have been able to secure permanent affordable housing within the



prescribe time-frame set out in her SP. See Initial Decision at 4-6; see also Exhibit R-13. Moreover, the ALJ found that, at the time of the hearing, Petitioner had had a year in which to secure permanent housing. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had violated her SP, without good cause, and that the Agency's termination of her EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 6-7; see also Exhibit R-11, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, 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.

Natasha Johnson
Assistant Commissioner

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