



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

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Lt. Governor

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 02603-20 K.E.

AGENCY DKT. NO. S790258009 (HUDSON COUNTY DEPT OF FAM 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 participate in the Substance Abuse Initiative/Behavioral Health Initiative ("BHI") program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 26, 2020, the Honorable Elissa Mizzone Testa, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 27, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed SPs wherein she agreed, among other things, to participate in the SAI/BHI treatment program. See Initial Decision at 2; see also Exhibits R-1, R-2. Petitioner admitted, and the record substantiates, that she failed to attend her January 14, 2020, SAI/BHI intake appointment. See Initial Decision at 4-6; see also Exhibit R-3. Although Petitioner denied that the Agency had reached out to her on several occasions regarding that missed appointment, and instead claimed that she had tried, to no avail, to reach out to the Agency to explain said nonattendance, the ALJ found that she had failed to substantiate that claim. See Initial Decision at 3, 5-6. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, without good cause, and that the Agency's termination of her EA benefits was proper and must stand. See Initial Decision at 5-6; see also "Notification Form," and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on March 3, 2020.

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.

Further, because I concur with the ALJ's conclusion, that Petitioner failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a). Petitioner is advised that the six-month EA ineligibility penalty shall run from February 5, 2020, the effective date of the Agency's termination, through August 4, 2020. See "Notification Form."



By way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

MAR - 3 2020

