



State of New Jersey

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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 15367-19 X.T.

AGENCY DKT. NO. S616453012 (MIDDLESEX COUNTY BD. 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 was terminated from her EA shelter placement for violating shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for October 31, 2019, but was adjourned at the request of the Agency due to the unavailability of witnesses. The matter was rescheduled for December 17, 2019, but was again adjourned, this time at the request of Petitioner. 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.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

Here, the record reflects, and Petitioner acknowledged, that he was terminated from his shelter placement for cooking in his room, which resulted in his food burning, the fire alarm being triggered, and causing the local fire department to respond. See Initial Decision at 5; see also Exhibits R-8, R-9. The record also reflects that Petitioner executed two EA service plans ("SPs") on August 6, 2019, and September 24, 2019, wherein he acknowledged that cooking in his room was against shelter policy, and that violation of that policy would be grounds for a termination of his EA benefits. See Initial Decision at 2-5; see also Exhibits R-2, R-6. Although Petitioner claimed that he did not understand what he was signing because of certain psychological conditions, the ALJ found that Petitioner was not forced to execute the documents in any way, and that he was not prevented from postponing the signing of the documents to ask for assistance in understanding said documents, yet he failed to do so at that time. See Initial Decision at 5-8; see also Exhibits P-1, P-2, P-3, R-14, R-15. Based on the foregoing, the ALJ found that Petitioner had violated the shelter's health and safety policy by cooking in his room, and as such, in accordance with the applicable regulatory authority set forth at N.J.A.C.10:90-6.3(c)(5),



concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 6-9; see also Exhibit R-10. I agree. Also, in accordance with N.J.A.C. 10:90-6.3(c)(5), the ALJ imposed a six-month period of ineligibility for EA benefits upon Petitioner. See Initial Decision at 8-9. However, following an independent review of the record, I find that due to Petitioner's mental health issues, which may be a barrier preventing him from compliance with the EA benefits requirements, no six-month EA ineligibility penalty shall be imposed. See Exhibits P-1, P-2, P-3; see also N.J.A.C. 10:90-6.3(h), (i)(1). The Initial Decision is modified to reflect this finding.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

MAR 13 2020

