

DEPARTMENT OF HUMAN SERVICES

Chris Christie Governor

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Elizabeth Connolly Acting Commissioner

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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 2508-15 T.M.

AGENCY DKT. NO. S565311 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her Emergency Assistance ("EA") benefits. The Agency terminated the Petitioner's EA because she was not homeless due to circumstances beyond her control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 10, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 8, 2015, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed Exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision and hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's determination.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve the emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a service plan. Ibid. If a recipient fails to comply with the service plan, then the recipient is ineligible for EA benefits for a period of six months. Ibid.

Here, the record reflects that on December 30, 2014, Petitioner and her son were placed in a Family Shelter. See Initial Decision at 2. On January 14 and January 15, 2015, Petitioner and her son failed to return to the shelter, in violation of shelter rules. Ibid. Petitioner acknowledged failing to return to the shelter for four days, two of which she claimed were due to her car breaking down. Ibid.

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The ALJ found that the Petitioner violated the rules of the shelter by failing to return to the shelter. The ALJ further found that the Petitioner is not homeless because she can reside with her mother. As a result, the ALJ concluded based on the weight of the evidence presented, that the Agency had met its burden to prove Petitioner was ineligible for EA benefits. Id. at 4. I agree.

As Petitioner has been found to have violated her service plan, Petitioner is ineligible for EA benefits for a six-month period. The Adverse Action letter states Petitioner's six month penalty will end on July 20, 2015. See Exhibit R-4.

Based upon the foregoing, I hereby ADOPT the Initial Decision of the ALJ and AFFIRM the Agency's determination in this matter.

Signed Copy on File at DFD, BARA

JUN 2 3 2015

Natasha Johnson Director