



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 08186-18 A.W.

AGENCY DKT. NO. S583163012 (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 she failed to comply with her EA service plan ("SP") by violating motel rules, and that a member of the assistance unit ("AU") did not complete a required Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") assessment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 29, 2018, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 19, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner's AU is comprised of Petitioner, D.T., Petitioner's companion, and their two minor children. See Initial Decision at 2. On March 26, 2018, Petitioner and D.T. jointly applied for EA benefits in the form of shelter/motel placement. *Id.* at 2; see also Exhibit R-1. On that same date, Petitioner and D.T. executed an SP wherein they both agreed, among other things, to comply with motel/shelter rules, and Work First New Jersey ("WFNJ") requirements. See Initial Decision at 2; see also Exhibit R-2 at 5. Additionally, D.T. agreed to attend an SAI/BHI evaluation and complete an assessment by April 26, 2018. See Initial Decision at 3; see also Exhibit R-2 at 2, R-3. The ALJ found, and D.T. acknowledged, that he violated the health and safety policy by cooking in the motel room, which corroborated the reason for the AU's removal from the motel. See Initial Decision at 2, 3; see also Exhibits R-5, R-6, and N.J.A.C. 10:90-6.3(c)(5). The ALJ further found that D.T. had not completed the required SBI/BHI assessment and refused treatment, resulting in his SAI/BHI case being closed. See Initial Decision at 3; see also Exhibit R-4. As such, the ALJ concluded that Petitioner failed to comply with her SP, without good cause, and that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 4; see also Exhibit R-7, and N.J.A.C. 10:90-6.3(c), -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 received continued assistance pending the outcome of this fair hearing, her six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.



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.

Also by way of comment, as it appears from the record that Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions in this matter shall be forwarded to DCC&P. See Exhibit R-1 at 5.

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

Officially approved final version.

AUG 31 2018

Natasha Johnson
Director

