



State of New Jersey

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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 18131-17 J.R.

AGENCY DKT. NO. C109453008 (GLOUCESTER COUNTY DIV. 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 he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 2, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 21, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner and his wife, M.R., have been receiving EA benefits since March 16, 2017. See Initial Decision at 2; see also Exhibit R-1 at 33-35. On October 25, 2017, Petitioner and M.R. executed an SP wherein they agreed, among other things, to comply with Work First New Jersey ("WFNJ") requirements and to keep all scheduled appointments. See Initial Decision at 2; see also Exhibit R-1 at 22-27. On November 22, 2017, Petitioner and M.R. were required to attend a monthly review but did not attend. See Initial Decision at 2; see also Exhibit R-1 at 2 and 31. The November 22, 2017, meeting was rescheduled to December 20, 2017. See Initial Decision at 2; see also Exhibit R-1 at 32. Petitioner and M.R. did not attend the rescheduled appointment and did not call the Agency to explain either of the absences. See Initial Decision at 2. Petitioner testified that on November 22, 2017, he was at the doctor's office and provided a Patient Clinical Summary form confirming same. See Initial Decision at 2; see also P-1. However, Petitioner provided no reason why he and M.R. missed the December 20, 2017, appointment and provided no explanation as to why he or M.R. did not attempt to call the Agency to explain either absence. See Initial Decision at 3. Based on the foregoing, the ALJ found that Petitioner violated the terms of the SP, without good cause, when he and his wife failed to attend the monthly review meetings on November 22, 2017, and December 20, 2017, thereby causing their own housing emergency. See Initial Decision at 4; see also Exhibit R-1 at 23, 26, and N.J.A.C. 10:90-6.6(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1 at 2-5. 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.

Additionally, because I agree with the ALJ's conclusion that Petitioner violated the terms of his SP, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Because



Petitioner has been receiving continued assistance pending the outcome of this hearing, his EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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.

APR 04 2018

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Natasha Johnson

Director

