



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 15926-17 M.J.

AGENCY DKT. NO. C054107012 (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 EA ineligibility. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, because she failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2017, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 26, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), 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.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents; or violation of the shelter's health and safety policies. See N.J.A.C. 10:90-6.3(c)(3) and -6.3(c)(5). However, N.J.A.C. 10:90-6.3(e) provides that an EA benefits recipient shall be eligible for continued EA benefits for other violations, such as, the violation of a facility's policies concerning visitation; or the failure to observe curfew. See N.J.A.C. 10:90-6.3(e)(1)(i), (iii); see also DFD Instruction 08-5-4 at 10. An adult EA recipient who incurs two or more terminations for such reasons is subject to the loss of EA for a period of six months. See N.J.A.C. 10:90-6.3(e)(1).

EA recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the ALJ found that Petitioner violated shelter rules, in violation of her SP, when she threatened a fellow resident in the presence of the shelter Case Manager. See Initial Decision at 8, 11; see also Exhibits R-5, R-20 and R-22. As a result of this incident, Petitioner was evicted from the shelter. See Exhibit R-5 and R-20. Additionally, the ALJ further found that Petitioner had violated her SP when she failed to attend a required, scheduled Substance Abuse Initiative/ Behavioral Health Initiative ("SAI/BHI") assessment. See Initial Decision at 9, 11; see also Exhibits R-2, R-3, R-11 and R-12; and N.J.A.C. 10:90-6.6(a).



Based on the foregoing, the ALJ found that Petitioner had violated her SP, thereby making her ineligible for EA benefits for a period of six months. See Initial Decision at 12; see also Exhibit R-20, and N.J.A.C. 10:90-6.3(c) and -6.6(a). Accordingly, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper. Ibid. I agree.

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.

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

Officially approved final version.

FEB - 8 2018

Natasha Johnson
Director

