



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 11880-17 M.J.

AGENCY DKT. NO. C071303015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he failed to comply with his EA Service Plans ("SPs"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 11, 2017, but was adjourned with consent of both parties. The case was rescheduled for October 3, 2017, but again adjourned to allow Petitioner the opportunity to obtain legal counsel. Finally, on October 27, 2017, the Honorable Jacob S. Gertsman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, admitted documents, and the record closed. On November 16, 2017, the record was reopened to allow the Agency to submit additional documentation. On November 21, 2017, the Agency provided the additional information, and after allowing sufficient time for Petitioner to respond, the record again closed on December 8, 2017.

On December 13, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed two SPs wherein he agreed, among other things, to provide to the Agency, proof of employment/unemployment; employment earnings logs; copies of utility bills; and to report any changes in circumstances to the Agency. See Initial Decision at 2-4; see also Exhibits R-2, R-4. However, Petitioner failed to report his employment, failed to provide employment earnings logs, and failed to provide utility bills, to the Agency. See Initial Decision at 6; see also Exhibits R-2, R-3, and R-4. As a result, the Agency terminated Petitioner's EA benefits for failure to comply with the terms of his SPs, without good cause. See Initial Decision at 2-3; see also Exhibit R-1. The ALJ affirmed the Agency's decision to terminate Petitioner's EA benefits, finding that Petitioner had failed to comply with both of his SPs, by failing to provide the Agency with required documentation and information regarding his new employment. See Initial Decision at 7; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on December 22, 2017.

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 I agree with the ALJ's conclusion that Petitioner failed to comply with his SPs, I hereby impose upon him a six-month period of ineligibility for EA benefits. See Initial Decision at 7; see also N.J.A.C. 10:90-6.6(a). Further, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.



By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision.

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

Officially approved final version.

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Natasha Johnson

Director

JAN 30 2018

