



State of New Jersey

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Governor

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
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 18146-18 A.C.

AGENCY DKT. NO. C661112007 (ESSEX COUNTY DIVISION OF WELFARE)

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 was removed from her shelter placement due to threatening/disruptive behavior. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 28, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 31, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ reversed the Agency's termination of Petitioner's EA benefits, finding that Petitioner's violations of the shelter's curfew rules warranted a continuation of EA benefits in accordance with the regulatory authority set out in N.J.A.C. 10:90-6.3(e)(1)(i), and further, that her threatening behavior toward the shelter director was inconsequential, brought on by stress, and did not result in harm to anyone, such that a termination of her EA benefits, and the imposition of a six-month EA ineligibility penalty, were not warranted. See Initial Decision at 2-4; see also Exhibits R-3 through R-4, R-7, R-8. 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, Petitioner is advised that any further threatening and/or disruptive behavior while residing in a shelter placement will result in the termination of her EA benefits, and the imposition of a six-month EA ineligibility penalty. See N.J.A.C. 10:90-6.3(c)(3).

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



Officially approved final version.

JAN - 9 2019

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Natasha Johnson

Director

