



State of New Jersey

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

NATASHA JOHNSON
Assistant Commissioner

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 10834-19 J.T.

AGENCY DKT. NO. C039159011 (MERCER COUNTY BOARD 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 refusing to accept subsidized housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 10, 2019, the Honorable Tricia M. Caliguire, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow the parties the opportunity to submit additional documents. The Agency submitted documents on September 13, 2019. Petitioner failed to submit any additional documentation, and the record then closed on September 17, 2019.

On September 18, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP, wherein she agreed, among other things, to "[a]ccept all offered subsidized/affordable housing." See Initial Decision at 2-3; see also Exhibit R-3. By letter dated June 14, 2019, Petitioner was notified of an available rental unit, and advised that she had until June 27, 2019, to contact the property manager or the unit would be given to the next applicant. See Initial Decision at 3; see also Exhibit R-4. Although Petitioner claimed that she had never received that letter, which was properly addressed, she acknowledged that the Agency had advised her of the availability of the rental unit and the deadline for securing that unit. See Initial Decision at 3-5. The ALJ found that Petitioner had failed to contact the property manager, which resulted in her failure to secure the unit, and that her reasons for failing to do so were based on uncorroborated hearsay. Id. at 4-6. Based on the foregoing, 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 imposition of a six-month EA ineligibility penalty, were proper and must stand. Id. at 6-7; 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 September 25, 2019.



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's six-month EA ineligibility penalty shall run from September 1, 2019, the effective date of the Agency's termination, through February 29, 2020. See Exhibit R-1.

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

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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