



State of New Jersey

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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 12539-19 S.J.

AGENCY DKT. NO. C083822003 (BURLINGTON COUNTY BD. 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 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 September 16, 2019, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 16, 2019, 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, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed SP. Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. Ibid.

Here, the record reflects that on April 8, 2019, Petitioner executed an SP wherein she agreed, among other things, to complete monthly housing searches and provide proof of same to the Agency, and to secure permanent affordable housing by a date certain. See Exhibit R-1 at 21, and N.J.A.C. 10:90-6.6(a). The ALJ found that Petitioner had failed to comply with the aforementioned SP requirements, and the record does not indicate that Petitioner had provided any good cause reason for such failures. See Initial Decision at 3. Although Petitioner contended that she had not received notice of the Agency's termination of her EA benefits, the ALJ found that the termination notice went to Petitioner's correct address. Ibid. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 3-4; see also Exhibit R-1 at 18-20, and N.J.A.C. 10:90-6.6(a).



By way of comment, because I concur with the ALJ's conclusion that Petitioner failed to comply with her SP, I hereby impose upon her 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). Petitioner's six-month EA ineligibility penalty shall run from September 7, 2019, the effective date of the Agency's termination of EA benefits, through March 6, 2020. See Exhibit R-1 at 19.

By way of further 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.

SEP 19 2019

Natasha Johnson

Director

