



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 01247-20 A.R.

AGENCY DKT. NO. S565265012 (MIDDLESEX 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 had been terminated from her shelter placement due to her threatening behavior, and without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 31, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 31, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was terminated from two shelter placements as a result of her disruptive and threatening behavior. See Initial Decision at 3; see also Exhibit R-1 at F, P. As a result, the Agency terminated Petitioner's EA benefits. See Initial Decision at 1; see also Exhibit R-1 at Q, and N.J.A.C. 10:90-6.1(c)(3)(vi), -6.3(c)(3). The record also reflects that Petitioner suffers from mental health issues which may inhibit her ability to comply with EA benefits requirements, yet she has refused to participate in the Substance Abuse Initiative/Behavioral Health Initiative (SAI/BHI) program, as required by the Agency. See Initial Decision at 3; see also Exhibit R-1 at C, I through N, R, S and U. The ALJ concluded that Petitioner had violated shelter rules, without good cause, and had failed to comply with the SAI/BHI program, and as such, the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4. However, neither the Agency, nor the ALJ, imposed a six-month period of ineligibility for EA benefits upon Petitioner, as allowed pursuant to applicable regulatory authority. *Ibid.*; see also Exhibit R-1 at Q, and N.J.A.C. 10:90-6.3(c)(3). Rather, the ALJ concluded that Petitioner may reapply for EA benefits, with receipt of such benefits contingent upon her compliance with the Agency's mental health requirements. See Initial Decision at 4. 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, should Petitioner reapply for EA benefits, the Agency is directed to schedule Petitioner for an SAI/BHI assessment. See N.J.A.C. 10:90-6.1(c)(1)(iii). Petitioner is advised that refusal to participate in the SAI/BHI assessment and/or recommended treatment program(s) may result in the denial of EA benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(vi). Further, if appropriate, the Agency should refer Petitioner to Projects for Assistance in Transition from Homelessness ("PATH") and The Program for Assertive Community Treatment ("PACT"). Additionally, should Petitioner be approved for EA benefits, any directives instituted by SAI/BHI, PATH, or PACT shall be incorporated into Petitioner's EA Service Plan. See N.J.A.C. 10:90-6.1(c)(1)(iii), -6.6(a)(1)(iii)(7).

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

Officially approved final version.

FEB 12 2020

Natasha Johnson
Assistant Commissioner

