



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 17102-19 T.F.

AGENCY DKT. NO. C141901003 (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 he failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 6, 2020, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 10, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that as of January 1, 2020, Petitioner had received 18 months of EA benefits. See Initial Decision at 2; see also Exhibit R-7. The record also reflects that on May 13, 2019, Petitioner executed an SP wherein he agreed, among other things, to find permanent affordable housing within 60 days from the date of execution of the SP. See Initial Decision at 2; see also Exhibit R-9. When Petitioner was unable to secure permanent housing within the agreed upon time frame, the Agency allowed Petitioner an additional 60 days to secure housing, and on September 25, 2019, Petitioner executed a second SP, wherein he again agreed to secure permanent housing within 60 days of execution of said SP. See Initial Decision at 3; see also Exhibit R-3. However, once again, Petitioner failed to secure permanent affordable housing. See Initial Decision at 3. Although Petitioner claimed that there were several obstacles prohibiting him from securing housing, the ALJ found that Petitioner had failed to contact the Agency regarding any such obstacles. See Initial Decision at 3-4. Moreover, the ALJ found that Petitioner had received 18 months of EA benefits, which was more than enough time to search for and secure permanent housing, yet he failed to do so, and had failed to present good cause to justify the noncompliance with his SP. *Id.* at 4; see also Exhibit R-9. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with his SP, without good cause, and as such, the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree. Consequently, the ALJ imposed a six-month period of ineligibility for EA benefits upon Petitioner, and because Petitioner had been receiving continued assistance pending the outcome of the fair hearing, the ALJ ordered that said six-month EA benefits ineligibility penalty shall run from the date of the issuance of this Final Agency Decision. See Initial Decision at 5; see also N.J.A.C. 10:90-6.6(a). I also 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, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his 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.

FEB 20 2020

Natasha Johnson
Assistant Commissioner

