



## State of New Jersey

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*Governor*

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 **07386-23 B.B.**

AGENCY DKT. NO. **C040854005 (CAPE MAY COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's sanctioning of Work First New Jersey/General Assistance ("WFNJ/GA") benefits, the termination of Emergency Assistance ("EA") benefits and the imposition of a six-month period of ineligibility for EA benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits, contending that he failed to participate in the mandatory Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program, and terminated his EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated the terms of his EA service plan ("SP") by failing to participate in the SAI program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 16, 2023, the Honorable Rebecca C. Lafferty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 17, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-9. Specifically, the ALJ found that Petitioner had executed an Individual Responsibility Plan ("IRP"), wherein it was required that he participate in the SAI/BHI program. See Initial Decision at 3-5; see also Exhibit R-3 at 6-11, and N.J.A.C. 10:90-4.8(a), -18.1(a), (b), (e), -18.2(b) (2), -18.3(a)(1)(i), (ii). The ALJ found that Petitioner, however, had failed to participate in said program, missing his initial and several rescheduled SAI/BHI assessment appointments, without good cause. See Initial Decision at 2-6; see also Exhibit R-3 at 12-16. Based on the testimony and documentation provided, the ALJ concluded that the Agency's sanctioning of Petitioner's WFNJ/GA benefits was proper and must stand. See Initial Decision at 6-10; see also Exhibits R-1 at 23-31, R-3 at 17-18, and N.J.A.C. 10:90-4.13, -18.4. I agree.

The ALJ also found that Petitioner had executed an SP, wherein he agreed, amongst other things, to participate in the mandatory SAI/BHI program. See Initial Decision at 3-4; see also Exhibit R-2 at 12-16. As discussed above, the ALJ found that Petitioner, however had failed to participate in said program, without good cause, and as such, concluded that he had violated the terms of his SP. See Initial Decision at 2-6; see also Exhibit R-2 at 17-19. Accordingly, the ALJ further concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility



penalty, were proper and must stand. See Initial Decision at 8-10; see also Exhibit R-2 at 20-25, and N.J.A.C. 10:90-6.6(a). I also agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 his six-month EA ineligibility penalty shall begin to run from August 5, 2023, the effective date of the Agency's termination, through February 4, 2023. See Exhibit R-2 at 22.

By way of further 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. August 29, 2023

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Natasha Johnson  
Assistant Commissioner

