



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 13328-23 J.K.

AGENCY DKT. NO. **S613189012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, the termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits, and the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated shelter rules, thereby violating his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 6, 2023, the Honorable Michael R. Stanzione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 7, 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, and providing a detailed and well thought out analysis, applying law to fact. See Initial Decision at 2-8. Specifically, the ALJ found, and the record substantiates, that Petitioner had been terminated from his shelter placement for violating shelter rules by engaging in threatening/disruptive actions and behaviors which resulted in police involvement. See Initial Decision at 2-6; see also Exhibits R-4, R-5, R-6. Consequently, Petitioner was, therefore, also in violation of his SP. See Initial Decision at 4, 6-7; see also Exhibit R-2, and N.J.A.C. 10:90-6.6(a). Although Petitioner disputed said shelter rule violation allegations, the ALJ found that Petitioner's claims were not credible, and not substantiated by any evidentiary documentation. See Initial Decision at 4-5; see also Exhibits R-9, R-10. Based on the foregoing, the ALJ determined 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 7-8; see also Exhibit R-7, and N.J.A.C. 10:90-6.3(c)(3). I agree.

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, for clarification, in instances such as this, where a violation of shelter rules are at issue, it is the type of violation which is controlling, not the SP. See N.J.A.C. 10:90-6.3(c) versus 10:90-6.3(e).

By way of further comment, the transmittal in this matter indicates additional contested issues regarding a termination of WFNJ/TANF benefits, and the reduction of SNAP benefits, which were not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of WFNJ/TANF benefits, and/or a reduction of SNAP benefits, he may request another fair hearing on one, or both, of those issues alone.

Also by way of comment, Petitioner is advised that his six-month EA ineligibility penalty shall run from November 30, 2023, the effective date of the Agency's termination, through May 30, 2024. See Exhibit R-7.

Finally 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. December 20, 2023

Natasha Johnson
Assistant Commissioner

