



State of New Jersey

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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 **03190-23 J.K.**

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

Petitioners J.K. and M.B. appeal from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioners' EA benefits, contending that they had exhausted their life time limit of EA benefits, and also terminated Petitioners' EA benefits and imposed a six-month EA ineligibility penalty, contending that they had failed to comply with their EA service plan ("SP"). Because Petitioners appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 14, 2023, the Honorable William T. Cooper, III, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On April 18, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, Petitioners' acknowledged, and the record substantiates, that Petitioners have received 14 months of EA benefits, and as such, have exhausted their lifetime limit of EA benefits. See Initial Decision at 3, 5; see also Exhibit R-9, and N.J.A.C. 10:90-6.4(a). Based on the foregoing, the ALJ concluded that the Agency's termination of EA benefits due to exhaustion was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-7.

The ALJ also found that, on December 15, 2022, Petitioners executed an SP wherein it was agreed, among other things, to submit proof of monthly housing searches and proof of weekly job searches, and to participate in the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program. See Initial Decision at 2-3; see also Exhibit R-2. Further, the ALJ found that Petitioners had failed to comply with their SP by failing to provide to the Agency the required proofs of monthly housing searches, by J.K. failing to provide weekly job searches, and by J.K. failing to comply with the SAI/BHI program. See Initial Decision at 3-5; see also Exhibits R-2, R-13. Applying the law to the facts, the ALJ concluded that Petitioners had failed to comply with their SP, without good cause, and as such, further concluded that the Agency's termination of Petitioners' EA benefits, and the imposition of a six-month period of ineligibility for EA benefits, were proper and must stand. See Initial Decision at 4-7; see also Exhibit R-2, and N.J.A.C. 10:90-6.6(a). I 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, Petitioners are advised that their six-month EA ineligibility penalty shall run from March 10, 2023, the effective date of the Agency's termination, through September 10, 2023. See Exhibit R-7.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with their 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. April 27, 2023

Natasha Johnson
Assistant Commissioner

