



## State of New Jersey

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*Governor*

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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 11196-22 J.S.

AGENCY DKT. NO. S540764012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals 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 Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he failed to comply with his EA service plan ("SP") by failing to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 24, 2023, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, however, said hearing was adjourned to allow Petitioner the opportunity to retain counsel. The hearing continued on February 2, 2023, at which time the ALJ took testimony, and admitted documents. The record remained open to allow the parties to submit supplemental exhibits, and then closed on February 9, 2023.

On March 1, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner executed an SP on July 15, 2022, wherein he agreed, among other things, to contribute thirty percent of his total income (\$262) toward the cost of his shelter, and provide proof of his compliance with his mental health treatment plans. See Initial Decision at 2-3; see also Exhibit R-11. The July 15, 2022, SP did not require Petitioner to submit weekly housing searches. *Ibid.* The record also reflects that Petitioner executed an SP on September 19, 2022, wherein he agreed, among other things, to contribute thirty percent of his total income (\$262) toward the cost of his shelter, provide proof of his compliance with his mental health treatment plans, and to submit weekly housing searches. See Initial Decision at 2-3; see also Exhibit R-16. The ALJ found that Petitioner had provided proof that he was compliant with payment of his thirty percent shelter cost contribution, and provided proof that he was compliant with his mental health treatment program. See Initial Decision at 4-5, 7; see also Exhibits P-1, R-24, R-26, R-28. Although Petitioner provided said proofs untimely, the ALJ found that, due to his physical and mental disabilities, he had good cause for such untimeliness. See Initial Decision at 5-7. Further, the ALJ found, and Petitioner acknowledged, that Petitioner had failed to provide the Agency with the weekly housing searches as required. See Initial Decision at 5, 7. However, the ALJ also found that Petitioner's July 15, 2022, SP was the controlling SP in this matter, not the September 19, 2022, SP, and that said July SP did not require Petitioner to conduct housing searches, nor to provide proof of same. See Initial Decision at 7-8; see also Exhibits R-11, R-16. Accordingly, the



ALJ found that Petitioner had not violated his SP for failure to provide proof of housing searches. See Initial Decision at 7-8. Moreover, the ALJ found that, although the Agency had knowledge of Petitioner's disabilities, there was no evidence in the record to indicate that prior to its termination of Petitioner's EA benefits, the Agency had evaluated Petitioner for any barriers that may have prevented him from complying with his SP, as required by N.J.A.C. 10:90-6.3(g). See Initial Decision at 6, 8-9. Based on the foregoing, the ALJ reversed the Agency's determination. See Initial Decision at 9; see also Exhibit R-20, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by the Agency on March 3, 2023.

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, based on the ALJ's conclusion, I find that the Agency's imposition of a six-month EA ineligibility penalty must also be reversed. See Initial Decision at 1; see also Exhibit R-20.

By way of further comment, Petitioner is advised that going forward he must fully comply with the terms of his September 19, 2022, SP, and that failure to comply may result in the termination of his EA benefits and the imposition of a six-month EA ineligibility penalty. See Exhibit R-16, and N.J.A.C. 10:90-6.6(a). The Agency is advised that it should assist Petitioner with addressing barriers which may inhibit his ability to comply with his SP. See N.J.A.C. 10:90-6.1(c)(1)(iii) -6.3(g).

Also by way of comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version. April 13, 2023

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Natasha Johnson  
Assistant Commissioner

