



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 **06333-23 M.F.**

AGENCY DKT. NO. **C172495015 (OCEAN COUNTY BOARD 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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 17, 2023, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 8, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the ALJ found that Petitioner had executed several SPs wherein he agreed, among other things, to attend all Agency scheduled appointments, including Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program appointments. See Initial Decision at 2-3; see also Exhibits R-2 through R-6, R-10, R-26. The ALJ also found, and the record reflects, that Petitioner had failed to comply with his SP, without good cause, by failing to attend scheduled Agency appointments, and SAI/BHI program appointments. See Initial Decision at 2-4; see also Exhibits R-7, R-8, R-9, R-11, R-12, R-15 through R-25. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.6(a). I agree with the ALJ's conclusion, and as such, I further find that the Agency's imposition of a six-month EA ineligibility penalty was also proper and must stand. Ibid. The Initial Decision is modified to reflect this finding.



By way of comment, because Petitioner has received continued assistance pending the outcome of this fair hearing, his six-month EA penalty will begin to run as of the date of the issuance of this Final Agency Decision.

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 MODIFIED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. December 21, 2023

Natasha Johnson
Assistant Commissioner

