



## 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 **04659-23 M.H.**

AGENCY DKT. NO. **C039277012 (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 she failed to comply with her EA service plan ("SP") by failing to participate in the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 31, 2023, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide additional documents. No documents were received and the record then closed on June 1, 2023. On June 2, 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that Petitioner executed several SPs wherein she agreed, among other things, to participate in the SAI/BHI treatment program. See Initial Decision at 2; see also Exhibit R-1 at #s 6, 8, 10, 15. The ALJ concluded, the record substantiates, and Petitioner acknowledged, that she had significantly failed to comply with the SAI/BHI requirements pursuant to her SP, and that she had also violated her SP by testing positive for drugs on several occasions. See Initial Decision at 2-3; see also Exhibit R-1 at #s 17 through 25, and #s 27, 28, 30. Although Petitioner claimed that she had been attending the SAI/BHI program, and the record had been left open for her to provide such documentation to substantiate her claim, the ALJ found that Petitioner had failed to provide such substantiating documentation. See Initial Decision at 2-3; see also Exhibit R-1 at #s 7, 9, 11, 16. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, without good cause, and that the Agency's termination of her EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at #25, and N.J.A.C. 10:90-6.6(a). I agree.



Further, because I concur with the ALJ's conclusion, that Petitioner failed to comply with her SP, I hereby affirm the Agency's imposition of a six-month period of ineligibility for EA benefits upon Petitioner. See Initial Decision at 3-4; see also Exhibit R-1 at #25, and N.J.A.C. 10:90-6.6(a). Petitioner is advised that the six-month EA ineligibility penalty shall run from May 15, 2023, the effective date of the Agency's termination, through November 14, 2023. See Exhibit R-1 at #25.

By way of comment, although the regulations allow consideration for individuals suffering from a mental impairment or substance abuse, they do not contemplate continued EA benefits for an individual who refuses to take part in the required mental health/substance abuse programs, as directed. See N.J.A.C. 10:90-6.1(c)(1)(iii).

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her 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. June 07, 2023

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Natasha Johnson  
Assistant Commissioner

