



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 **04870-23 N.H.**

AGENCY DKT. NO. **C173486020 (UNION COUNTY DIVISION 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 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 June 7, 2023, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 8, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that, on April 3, 2023, Petitioner executed an SP wherein she agreed, among other things, to participate in a rehab/counseling program, and that failure to do so would result in the termination of her EA benefits, and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 2-3; see also Exhibit R-3, and N.J.A.C. 10:90-6.6(a). The ALJ also found that Petitioner had failed to comply with her SP by refusing treatment and failing to take her prescribed medications, resulting in termination from her housing placement. See Initial Decision at 3; see also Exhibits R-2, R-3. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with her SP, as well as the rules of two housing placements, without good cause, and as such, further concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month period of ineligibility for EA benefits, were proper and must stand. See Initial Decision at 3-4; see also Exhibits R-1, R-2, R-3, R-4. I agree. However, at the hearing, Petitioner claimed that she is currently receiving behavioral health counseling and taking her prescribed medications, and as such, taking into consideration Petitioner's mental and physical needs, and the fact that a six-month EA ineligibility penalty may be detrimental to Petitioner's ability to address those needs, the Agency agreed to consider lifting Petitioner's six-month EA ineligibility penalty, provided she complies with such behavioral health counseling for a period of 30 days. See Initial Decision at 3; see also Exhibit R-5, and N.J.A.C. 10:90-6.3(i)(1). I also 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, Petitioner is advised that her six-month EA ineligibility penalty shall run from June 3, 2023, the effective date of the Agency's termination, through December 2, 2023, unless otherwise lifted by the Agency, as discussed above. See Exhibit R-4.

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

Officially approved final version.

June 20, 2023

Natasha Johnson
Assistant Commissioner

