



## State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
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 **04358-23 W.G.**

AGENCY DKT. NO. **C207879016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, 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 22, 2023, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until May 23, 2023, to allow Petitioner the opportunity to provide additional documents, which were received on that date, and the record then closed. On May 23, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 24, 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 hereby ADOPT the Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that Petitioner executed 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 10-11, 16-17. The ALJ concluded, and the record substantiates, that Petitioner significantly failed to comply with the SAI/BHI requirements pursuant to her SP, and had not had any outside therapeutic counseling since December 21, 2022. See Initial Decision at 2, 4; see also Exhibits P-2, R-1 at 2-4, 6-9, 15. 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 1, 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 impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a). Petitioner is advised that the six-month EA ineligibility penalty shall run



from February 2, 2023, the effective date of the Agency's termination, through August 1, 2023. See Exhibit R-1 at 1.

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 programs, as directed. See N.J.A.C. 10:90-6.1(c)(1)(iii).

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I 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 AFFIRMED.

Officially approved final version. June 01, 2023

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Natasha Johnson  
Assistant Commissioner

