



State of New Jersey

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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 11754-23 M.H.

AGENCY DKT. NO. S478155012 (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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for November 6, 2023, but was adjourned to allow Petitioner the opportunity to complete and submit a Supplemental Security Income ("SSI") application. On November 28, 2023, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity submit proof that he had applied for SSI. Petitioner submitted purported proof, and the record then closed on November 30, 2023.

On December 5, 2023, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-7. Specifically, the ALJ found that Petitioner had executed two SPs, wherein he was required to, and agreed, among other things, to apply for SSI benefits and provide proof of same to the Agency. See Initial Decision at 2-4; see also Exhibits R-1, R-2, R-4, R-5; and N.J.A.C. 10:90-6.6(a). The ALJ also found that, although Petitioner was given several opportunities to apply for SSI benefits and provide proof of same to the Agency, he had failed to do so in a timely manner, and without good cause, thereby violating the terms of his SP. See Initial Decision at 2-7; see also Exhibits R-1, R-4. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty were proper and must stand. See Initial Decision at 7; see also Exhibit R-6, and N.J.A.C. 10:90-6.6(a). I 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's six-month EA ineligibility penalty shall run from October 16, 2023, the effective date of the Agency's termination, through April 16, 2024. See Exhibit R-6.

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

Officially approved final version. January 31, 2024

Natasha Johnson
Assistant Commissioner

