



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

SARAH ADELMAN
Commissioner

TAHESHA L. WAY
Lt. Governor

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 **05694-24 M.W.**

AGENCY DKT. NO. **C085494012 (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. During a conference call between the parties on May 3, 2024, it was agreed that the matter would be converted from an emergent case to a non-emergent case, to allow Petitioner the opportunity to submit relevant documents. The parties reconvened on June 6, 2024, however, at that time Petitioner had not submitted any of the relevant documents, and asserted that he could not continue at that time because he had not received the Agency's exhibits. Thereafter, Petitioner was hand-delivered the Agency's exhibits and on June 17, 2024, the Honorable Kim C. Belin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On July 5, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. 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 2-9. Specifically, the ALJ found that Petitioner had executed SPs, wherein he agreed, among other things, to conduct weekly housing searches, and to provide the Agency with housing-search logs as proof of such searches, and wherein he was advised that failure to comply with his SP could affect his EA benefits eligibility. See Initial Decision at 3-4; see also Exhibits R-3, R-4, and N.J.A.C. 10:90-6.6(a). The record also reflects that the Agency had sent Verification Lists to Petitioner, reminding him to provide the Agency with his required housing-search logs, and assisted him on several occasions to come into compliance with his SP, allowing him more time to comply with the submission of required documentation. See Initial Decision at 4-6; see also Exhibits R-3, R-5. Although Petitioner made several claims of extenuating circumstances which prevented him from submitting the required housing-search logs, the ALJ found that Petitioner had failed to comply with his SP, by failing to conduct all required housing searches and to provide proof of same to the Agency, with no good cause credibly shown to corroborate his claims. See Initial Decision at 5-7. Additionally, the ALJ found that, although the Agency's April 2, 2024, termination may have been premature, as the EA Verification List gave Petitioner until April 20, 2024, to provide the required documentation, Petitioner had received in excess of 60 days of EA benefits, pending the outcome of the fair hearing, and yet, as of the date of the fair hearing, still had failed to provide the Agency with the required housing searches. See Initial Decision at 8. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had still failed to provide sufficient documentation to support EA benefits eligibility, and as such, further 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. *Id.* at 8-9; see also Exhibit R-7, 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, because Petitioner has received continued assistance pending the outcome of this fair hearing, he is advised that his six-month EA ineligibility penalty shall 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 ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. August 14, 2024

Natasha Johnson
Assistant Commissioner

