



State of New Jersey

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**DEPARTMENT OF HUMAN SERVICES
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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 12478-17 A.W.

AGENCY DKT. NO. C079528018 (SOMERSET 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 violated her EA Service Plan ("SP") and because she had exhausted her lifetime limit of EA benefits, and all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 12, 2017, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, which was adjourned mid-hearing for Petitioner to obtain counsel. The hearing was scheduled to continue on October 10, 2017, and then rescheduled upon the request of both parties for October 24, 2017. On that date, the ALJ denied Petitioner's request for an additional adjournment, took testimony, and admitted documents.

On December 1, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner was removed from her shelter placement, and then her motel placement, for failure to follow shelter and motel rules by engaging in inappropriate conduct on multiple occasions. See Initial Decision at 2-4; see also Exhibits R-1 at 20-22, R-2. As a result, the Agency terminated Petitioner's EA benefits for violation of her SP, and for causing her own homelessness. See Initial Decision at 2-6; see also Exhibits R-1 at 4-7, 14-19, R-2 at 14-31, and N.J.A.C. 10:90-6.1(c)(3), -6.6(a). The Agency also terminated Petitioner's EA benefits because she had exhausted her lifetime limit of EA benefits, and no further extensions were available. See Exhibit R-1 at 5, 61-71; see also N.J.A.C. 10:90-6.4(a), (b), (d). The ALJ affirmed the Agency's determination that Petitioner had violated her SP, and had exhausted her lifetime limit of EA benefits, plus all available extensions. See Initial Decision at 7-8; see also Exhibit R-1 at 61-71, and N.J.A.C. 10:90-6.4(a), (b), (d), -6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper. See Initial Decision at 8. I agree.

No Exceptions to the Initial Decision were received.

As the Director of the 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 I concur with the ALJ's conclusion that Petitioner violated her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits, pursuant to N.J.A.C. 10:90-6.6(a). See Initial Decision at 8. Further, as Petitioner is currently receiving continued assistance, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.



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By way of further comment, it appears from the record that the Agency sanctioned Petitioner's WFNJ/TANF benefits. See Exhibit R-1 at 5, 29. While this issue was not transmitted as a contested issue, following testimony from Petitioner, as well as J.W., a household member who is also on the WFNJ/TANF grant, the ALJ concluded that Petitioner and J.W. had failed to comply with their WFNJ requirements, without good cause. See Initial Decision at 5-8; see also Exhibit R-1 at 26, and N.J.A.C. 10:90-4.1, -4.2, and -4.11. Based on an independent review of the record, I agree with the ALJ's conclusion, and as such, I find that the Agency's sanctioning of Petitioner's WFNJ/TANF benefits was proper and must stand. See Initial Decision at 8; see also R-1 at 5, and N.J.A.C. 10:90-4.13.

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

Officially approved final version.

JAN 16 2018

Natasha Johnson

Director

