



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Director

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 10718-18 F.T.

AGENCY DKT. NO. C117445003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/General Assistance ("WFNJ/GA") and 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 Petitioner violated his EA service plan ("SP") by violating motel/shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 1, 2018, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 1, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination.

EA benefits shall not be provided for a period of six months to adult recipients who are terminated from an EA placement when the termination is the result of the recipient's actions, without good cause, which may include, but are not limited to, threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents; or destruction of shelter property. See N.J.A.C. 10:90-6.3(c)(2), -6.3(c)(3).

Under the WFNJ regulations, EA benefits are limited to 12 cumulative months during the lifetime of a case, plus limited extensions. See N.J.A.C. 10:90-6.4(a), -6.4(b). A WFNJ/GA benefits recipient may qualify for up to an additional six months of EA benefits when an "extreme hardship" exists pursuant to the criteria set forth in N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(c). Thus, the maximum amount of EA benefits that a WFNJ/GA benefits recipient may receive is 18 months.



EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in termination of EA benefits and a six-month period of ineligibility for EA benefits. Ibid.

Here, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to comply with motel/shelter rules. See Exhibit R-1 at 17-20. However, the record indicates that Petitioner had been ejected from several housing placements due to disruptive behavior and/or destruction of property. See Initial Decision at 2-3; see also Exhibit R-1 at 1, 22-23. Based on the foregoing, the ALJ concluded that Petitioner had failed to comply with his SP and, therefore, the Agency's termination of Petitioner's EA benefits and imposition of a six-month EA ineligibility penalty were proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 24-26, and N.J.A.C. 10:90-6.3(c), -6.6(a).I agree.

The ALJ also found, and the record substantiates, that Petitioner has received 27 months of EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 27-29. Therefore, I find that Petitioner has exhausted his lifetime limit of EA benefits, plus all available extensions, and on that basis, Petitioner is also ineligible for EA benefits. See N.J.A.C. 10:90-6.4(a), (b), (c). The Initial Decision is modified to reflect this finding.

By way of comment, the transmittal in this matter indicates a contested issue regarding a termination of WFNJ/GA benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a termination of WFNJ/GA benefits, he may request another fair hearing on that issue alone.

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 MODIFIED, and the Agency's action is AFFIRMED.

Officially approved final version.

AUG - 7 2018

Natasha Johnson

Director

