



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 15700-17 I.A.

AGENCY DKT. NO. C238951009 (HUDSON COUNTY DEPT OF FAM 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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 5, 2017, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 5, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to complete a Supplemental Security Income ("SSI") benefits application, and to follow through with the SSI process. See Initial Decision at 2; see also Exhibit R-1 at 8-11. However, although Petitioner applied for SSI benefits, said application was denied for failure to provide adequate documentation. See Initial Decision at 2-3; see also Exhibit R-1 at 12-37. Despite the Agency's many notices to appeal said denial, Petitioner failed to do so, and then failed to reapply for SSI benefits. Ibid. Petitioner testified that she forgot to appeal the SSI denial, and that although she has not yet reapplied for SSI benefits, she presently has an appointment to do so. See Initial Decision at 2. Based on the foregoing, the ALJ concluded that Petitioner failed to comply with her SP, without good cause, and that the Agency's termination of Petitioner's EA benefits was proper and must stand. Id. at 2-3; see also Exhibit R-1 at 1-5, and N.J.A.C. 10:90-6.6(a). I agree.

Exceptions to the Initial Decision were filed by Petitioner on December 18, 2017.

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 failed to comply with her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.6(a). Petitioner's six-month EA ineligibility penalty shall run from July 17, 2017, the date of the Agency's termination of EA benefits, through January 17, 2018. See Exhibit R-1 at 1-5.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

Also by way of comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version.

JAN 22 2018

Natasha Johnson

Director

