



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

TRENTON, NJ 08625-0716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 15320-18 J.B.

AGENCY DKT. NO. C237474016 (PASSAIC COUNTY BOARD 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 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 October 25, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 26, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that on April 20, 2018, Petitioner executed an SP wherein she agreed, among other things, to inform the Agency of any changes in her living arrangements, including person(s) moving into or out of her household. See Initial Decision at 2; see also Exhibit R-1 at 3. The ALJ found that Petitioner's boyfriend had moved into Petitioner's household on or before July 5, 2018, as evidenced by U.S. Postal Service documentation, and that the Agency was not advised of this change in Petitioner's living arrangement until September 21, 2018. See Initial Decision at 3; see also Exhibit R-1 at 12-13. Although Petitioner submitted a letter from her boyfriend's uncle which stated that her boyfriend had moved out of his home and into Petitioner's on September 18, 2018, the ALJ found said letter to be hearsay and inadmissible as evidence to prove that claim. See Initial Decision at 3; see also N.J.A.C. 1:1-15.5. Based on the foregoing, the ALJ concluded that Petitioner had violated the terms of her SP. See Initial Decision at 3; see also Exhibit R-1 at 3. Accordingly, 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 4; see also Exhibit R-1 at 1, and N.J.A.C. 10:90-6.6(a). 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, as the transmittal in this matter reflects that Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of the Final Agency Decision.

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



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Officially approved final version.

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Natasha Johnson

Director

