



State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

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 06728-18 J.W.

AGENCY DKT. NO. S582987012 (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 of EA benefits. The Agency terminated Petitioner's EA benefits, and imposed the six-month EA ineligibility penalty, contending that Petitioner 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. On June 1, 2018, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 8, 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.

Here, the record reflects that Petitioner executed an SP wherein he agreed, among other things, to pay his portion of his EA benefits housing costs, to accept permanent affordable housing if it is offered to him, and to accept one of the two available rooms located by the Agency. See Initial Decision at 4, 7; see also Exhibit R-6 at 3-4. Petitioner is currently living in a motel placement, and has failed to pay his portion of motel placement costs for the months of April and May, 2018. See Initial Decision at 4, 8; see also Exhibits R-10, R-11, R-12. The record also indicates that Petitioner's monthly income is \$781.25, and that he receives monthly Supplemental Nutrition Assistance Program ("SNAP") benefits in the amount of \$15. See Initial Decision at 2; see also Exhibit R-16. On April 17, 2018, the Agency provided Petitioner with information regarding two available rooms for rent, with affordable rents of \$680 and \$700 per month, including utilities. See Initial Decision at 3-4; see also Exhibits R-6, R-7, R-8, and R-15A. However, Petitioner failed to visit or apply for either one of the available rooms, and provided no reasons for failing to do so. See Initial Decision at 5; see also Exhibit R-8. Consequently, the Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty. See Initial Decision at 5; see also Exhibit R-9, and N.J.A.C. 10:90-6.6(a).

Based on the foregoing, and Petitioner's failure to offer any reason to explain his refusal to accept either of the available housing options, the ALJ concluded that Petitioner failed to comply with his SP when he failed to pay his required share of housing costs and refused to accept affordable housing, without good cause, and therefore, that the Agency's termination of Petitioner's EA benefits was proper. See Initial Decision at 7-8; see also Exhibit R-9, and N.J.A.C. 10:90-6.6(a). I agree.

Further, the ALJ affirmed the Agency's imposition of the six-month EA ineligibility penalty for the period of May 7, 2018, the date of the Agency's termination, through November 7, 2018. See Initial Decision at 8; see also Exhibit R-9, and



N.J.A.C. 10:90-6.6(a). While I agree with the ALJ that Petitioner is subject to a six-month EA ineligibility penalty, I find that because Petitioner has been receiving continued assistance pending the outcome of this fair hearing, that his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of the this Final Agency Decision. The Initial Decision is modified to reflect this finding.

By way of 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.

JUL 03 2010

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Natasha Johnson  
Director

