



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 00563-18 M.S.

AGENCY DKT. NO. S608833012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of shelter/motel placement, 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 he failed to comply with his EA service plan ("SP") because he was terminated from his motel placement, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 19, 2018, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 22, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner executed an SP on October 26, 2017, and an Addendum to SP, on November 15, 2017, wherein he agreed, among other things, to comply with motel/shelter rules. See Initial Decision at 1, 2; see also Exhibits R-2, R-4. The ALJ found that Petitioner violated the motel health and safety policy by smoking in his room, which corroborated the reason for his removal from the motel. See Initial Decision at 4; see also Exhibits R-5 and R-7 at 2, and N.J.A.C. 10:90-6.3(c)(5). As such, the ALJ concluded that Petitioner failed to comply with his SP, without good cause, and 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 4-5; see also Exhibit R-8, and N.J.A.C. 10:90-6.3(c), -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, Petitioner's six-month EA ineligibility penalty shall run from November 24, 2017, the effective date of the Agency's termination of Petitioner's EA benefits. See Exhibit R-8.

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 in this matter is hereby ADOPTED and the Agency's determination is AFFIRMED.

Officially approved final version.

JAN 25 2018

Natasha Johnson

Director

