



State of New Jersey

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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 14865-17 R.C.

AGENCY DKT. NO. S557425012 (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 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 November 14, 2017, the Honorable Carl V. Buck, III, 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 and an Addendum to SP, on September 7, 2017, wherein he agreed, among other things, to comply with motel/shelter rules. See Initial Decision at 3; see also Exhibit R-5. The ALJ found, and Petitioner admitted, that he violated the motel health and safety policy by cooking in his room, which corroborated the reason for his removal from the motel. See Initial Decision at 6-7; see also Exhibit R-9. 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 its imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 8-9; see also Exhibit R-11, 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, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, his six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

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.

Natasha Johnson
Director

JAN 22 2018

