



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 16215-19 M.K.

AGENCY DKT. NO. V381267015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that her emergency situation was not due to circumstances beyond her control and that she had an appeal pending on the same issue in Burlington County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 26, 2019, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 27, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had failed to provide any proof that she had an emergency beyond her control, and therefore, concluded that the Agency's denial of EA benefits, was proper and must stand. See Initial Decision at 2-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). Moreover, the record reflects that Petitioner's EA benefits had been terminated in Burlington County, effective August 23, 2019, and a six-month period of ineligibility for EA benefits had been imposed. See Initial Decision at 2-4; see also Exhibits R-3, R-13. Petitioner appealed that termination, and on November 18, 2019, an Initial Decision was rendered, affirming the Burlington County termination and the imposition of a six-month EA ineligibility penalty. See Initial Decision at 2. Thereafter, on November 25, 2019, a Final Agency Decision ("FAD") was issued by this office, wherein the Burlington County termination of Petitioner's EA benefits and six-month EA ineligibility penalty were affirmed. *Ibid.*; see also Exhibit R-13 at 3-4. The ALJ in the present matter found that the Burlington County termination of Petitioner's EA benefits was valid and effective in Ocean County, and that Petitioner may not apply for EA benefits in various counties hoping to receive EA benefits, or hoping to receive more favorable treatment in one county versus another. See Initial Decision at 4; see also Exhibits R-3, R-13. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). 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.

Additionally, I find that that the six-month EA ineligibility imposed upon Petitioner by Burlington County, and affirmed in the November 25, 2019, FAD, is also valid and effective in Ocean County, as well as statewide. See Exhibit R-13 at 3-4. Accordingly, Petitioner is advised that her six-month EA ineligibility penalty shall run from November 25, 2019, through May 24, 2020. Ibid.

By way of 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.

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

Officially approved final version.

DEC - 4 2019

Natasha Johnson
Assistant Commissioner

