



State of New Jersey

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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 16798-19 R.J.

AGENCY DKT. NO. S560978012 (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 Petitioner failed to comply with his EA service plan ("SP") by failing to secure permanent affordable housing, and by failing to attend a case review appointment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for January 7, 2020, before the Honorable Tricia Caliguire, Administrative Law Judge. On that hearing date, the parties agreed that Petitioner would be given another opportunity to secure housing, and the hearing was rescheduled for February 4, 2020. See Initial Decision at 4. On February 4, 2020, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 11, 2020, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner, a Supplemental Security Income benefits recipient, was approved for EA benefits on March 15, 2019, and placed in a motel. See Initial Decision at 2; see also Exhibit R-1 at A, B. Petitioner executed SPs on March 15, April 26, and June 26, 2019, wherein he agreed, among other things, to secure permanent affordable housing and accept permanent housing if offered to him. See Initial Decision at 2-3; see also Exhibit R-1 at C, D, F. Petitioner did not secure permanent housing and was scheduled for a case review on October 1, 2019, at which time he executed another SP, in which he agreed to secure permanent housing by October 31, 2019. See Initial Decision at 3; see also Exhibit R-1 at G. That same date, the Agency provided Petitioner with two available permanent housing properties to visit. See Initial Decision at 3; see also Exhibit R-1 at G, H. Petitioner did not provide proof that he had contacted those properties, and on October 18, 2019, the Agency terminated Petitioner's EA benefits, effective October 29, 2019. See Initial Decision at 3-4; see also Exhibit R-1 at I. On October 28, 2019, Petitioner forwarded to the Agency a New Apartment Information form, indicating that he had found an apartment available November 15, 2019, and the Agency rescinded its October 2019, termination of Petitioner's EA benefits. See Initial Decision at 4; see also Exhibit R-1 at J. However, Petitioner did not move into the apartment, claiming that it was too small. See Initial Decision at 4. As a result of Petitioner's failure to secure permanent housing, and because



he missed a scheduled case review meeting, the Agency again terminated Petitioner's EA benefits, effective November 30, 2019, and imposed the six-month EA ineligibility penalty. See Initial Decision at 4; see also Exhibit R-1 at K. Moreover, even though the January 7, 2020, hearing was rescheduled to allow Petitioner the opportunity to secure permanent housing, as of the February 4, 2020, hearing, Petitioner had only contacted one property owner, had failed to secure permanent housing, and had used twenty-two months of EA benefits residing in motels. See Initial Decision at 4; see also Exhibit R-1 at O. Based on the foregoing, the ALJ concluded that Petitioner had violated his SPs, without good cause, and that the Agency's November 2019, termination of his EA benefits, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 5-6; see also Exhibit R-1 at K, and N.J.A.C. 10:90-6.6(a). I agree.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the 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 is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

MAR 13 2020

Natasha Johnson
Assistant Commissioner

