



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 17296-15 R.C.

AGENCY DKT. NO. GA541787 (UNION COUNTY DIVISION 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 penalty contending that he failed to comply with the rules of his shelter placement, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 4, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On November 4, 2015, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

A Work First New Jersey benefits recipient has 90 calendar days to appeal an Agency's adverse action. See N.J.A.C. 10:90-9.10(a). That time limit may not be expanded, unless extraordinary and extenuating circumstances exist, such as serious illness, as determined by DFD. See N.J.A.C. 10:90-9.10(b).

The record shows that Petitioner's EA benefits were terminated on June 12, 2015, and a six-month penalty imposed, because he allegedly cause his own homelessness. See Exhibit R-1 at 7. Based on an independent review of the record, I find that Petitioner originally requested a hearing on the merits of this case (the termination of his EA benefits, and imposition of a six-month penalty) on June 24, 2015, but withdrew that hearing because he was not homeless. See Initial Decision at 2. Thereafter, Petitioner requested another hearing on the same termination of EA benefits, and withdrew that hearing on September 9, 2015. See Initial Decision at 2. Then, on October 26, 2015, more than 90 days after the Agency's adverse action in June 2015, Petitioner requested this fair hearing, seeking to have a hearing on the merits of this case. However, in accordance with N.J.A.C. 10:90-9.10(a), I find that Petitioner is beyond the allowable time to appeal, and I find no extraordinary circumstances to expand that time. See N.J.A.C. 10:90-9.10(b).

By way of comment, at the time Petitioner's EA benefits were terminated, effective June 12, 2015, a six-month penalty was imposed, which still remains in place. See Exhibit R-1 at 7. However, Petitioner's six-month penalty is due to expire on December 12, 2015, therefore, he may reapply for EA benefits on December 13, 2015.

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

Signed Copy on File
at DFD, BARA

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Natasha Johnson
Director