State of New Jersey
TMENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
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DEPARTMENT OF HUMAN SERVICES
Division of Family Development
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Elizabeth Connolly
Acting Commissioner

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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 1955-17 D.L.

AGENCY DKT. NO. C095419 (BURLINGTON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of his Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that he had failed to comply with his EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On April 3, 2017, the Honorable Kathleen Calemmo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 21, 2017, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the assistance unit consists of Petitioner, M.S., and their six children. See Initial Decision at 2; see also Exhibit R-1 at 1. Pursuant to an SP entered into between the parties on April 28, 2016, Petitioner was required to submit ten affordable housing searches per week. See Initial Decision at 2; see also Exhibit R-1 at 1, 6-7. Because no housing searches were provided by Petitioner in November and December 2016, and in January 2017, the Agency terminated Petitioner's EA benefits effective February 6, 2017, for failing to comply with his SP. See Initial Decision at 2-3; see also Exhibit R-1 at 1, 8-11. Based on the foregoing, the ALJ found that Petitioner had violated his SP, without good cause, and concluded that the Agency's termination of Petitioner's EA benefits was proper and should be affirmed, and that a six-month period of EA ineligibility should be imposed. See Initial Decision at 4; see also Exhibit R-1 at 8-11, and N.J.A.C. 10:90-6.6(a). I agree.

However, I take official notice of the records of this office which show that Petitioner had a prior fair hearing on this same issue before the Honorable Catherine A. Tuohy, ALJ, on February 1, 2017, under OAL Docket No. HPW 10523-16. In that hearing, Petitioner appealed the termination of his EA benefits effective July 10, 2016, for failing to comply with the same SP as that at issue in the present matter, entered into on April 28, 2016. I take further notice that a Final Agency Decision ("FAD") was issued in that matter on March 29, 2017, adopting ALJ Tuohy's Initial Decision, in which the termination of Petitioner's EA benefits was affirmed, and a six-month period of EA benefits ineligibility imposed pursuant to N.J.A.C. 10:90-6.6(a). The imposed six-month EA ineligibility penalty was to run from March 29, 2017, the date of the issuance of the prior FAD, through September 29, 2017. It is unclear, however, if the Agency imposed said penalty, as it appears that Petitioner may have been receiving continued assistance pending the outcome of the present matter. Therefore, if the Agency has not imposed the six-month EA ineligibility penalty, then it shall do so effective from the date of issuance of this FAD. If, on the other hand, the six-month EA ineligibility penalty, as imposed in the prior FAD, is currently in place and running, then the imposition of a second EA penalty herein is unnecessary.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the ALJ's Initial Decision and, following an independent evaluation of the record, I agree with the Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's action is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA MAY 26 2017

Natasha Johnson
Director