



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 10008-19 R.D.

AGENCY DKT NO C037219012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits, contending that she failed to comply with her EA service plan ("SP") by failing to conduct housing searches, by allowing her subsidized housing voucher to expire, by refusing housing when offered, and by failing to provide proof of compliance with her mental health treatment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2019, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents, and on September 17, 2019, the record closed. On September 25, 2019, 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 hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed SP. Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. Ibid.; see also N.J.A.C. 10:90-6.1(c)(3)(ix).

The recently promulgated State of New Jersey Senate Bill, No. S866, P.L. 2018, c. 164, effective December 20, 2018 ("S866") extends EA benefits eligibility for certain categories of individuals, including, but not limited to, Supplemental Security Income ("SSI") benefits recipients. See DFD Instruction No. 19-02-01.

Here, the record reflects that Petitioner, an SSI benefits recipient, had received 13 months of EA benefits as of August 2019, and as such, the ALJ concluded that Petitioner had exhausted her 12-month lifetime limit of EA benefits. See Initial Decision at 3; see also Exhibits R-20, R-21, and N.J.A.C.



10:90-6.4(a). The ALJ also concluded that Petitioner did not qualify for an extension of EA benefits. See Initial Decision at 2-3; see also N.J.A.C. 10:90-6.4(b). Based on the foregoing, the ALJ further concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3; see also Exhibit R-19.

While I concur with the ALJ's conclusion, that Petitioner had exhausted her 12-month lifetime limit of EA benefits, the record in this matter reflects that the Agency terminated Petitioner's EA benefits on the basis that she failed to comply with her SP, not due to exhaustion of EA benefits. See Initial Decision at 3; see also Exhibits R-19, R-20, R-21. Based on an independent review of the record, I make the following findings regarding the Agency's termination of Petitioner's EA benefits. The record reflects that Petitioner executed several SPs, beginning in August 2018, wherein she agreed, among other things, to conduct ten housing searches per week and to provide proof of same to the Agency, to apply for subsidized housing, to accept permanent affordable housing when offered, and to provide proof of compliance with her mental health treatment. See Exhibits R-2, R-4, R-6, R-8, R-11, R-13. However, I find, and the record substantiates, that except for proof of compliance with her mental health treatment, Petitioner had failed to provide the Agency with the required housing searches, had failed to secure subsidized housing over the last 12 months, thereby allowing her subsidized housing voucher to expire, and had refused permanent, affordable housing offered to her by the Agency. See Initial Decision at 2-3; see also Exhibits R-10, R-15, R-16, R-18, and R-22. Therefore, Petitioner has failed to comply with her SP, and on that basis, I find that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Exhibit R-19; see also N.J.A.C. 10:90-6.6(a). Further, because Petitioner has violated the terms of her SP, I hereby impose upon her a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a). Finally, because the record indicates that Petitioner is an SSI benefits recipient, I find that, but for Petitioner's SP violation and resultant six-month EA ineligibility penalty, she would have been eligible for an extension of EA benefits pursuant to S866, also known as Emergency Assistance for Specific Groups ("EASG"). See Exhibit R-17; see also DFD Instruction No. 19-02-01. The Initial Decision is modified to reflect these findings.

By way of comment, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

NOV 08 2019

Natasha Johnson
Assistant Commissioner

