



## State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

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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 **10750-24 B.H.**

AGENCY DKT. NO. **S512058012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA")/Temporary Rental Assistance ("TRA") benefits, and the imposition of a six-month period of ineligibility for EA benefits, as well as termination of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she failed to comply with her EA service plan ("SP"), without good cause. The Agency terminated Petitioner's WFNJ/GA benefits contending that Petitioner failed to provide information and documentation necessary to determine continued eligibility for said benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for an emergent hearing. An emergent hearing scheduled for August 12, 2024, was adjourned until August 16, 2024, to allow Petitioner the opportunity to retain counsel. On August 16, 2024, the Honorable Kimberley M. Wilson, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents. The record was held open until August 19, 2024, to allow for supplemental document submission by both parties and then closed. On August 19, 2024, the ALJ issued an Initial Decision, affirming the Agency's determinations.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his or her emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the EA benefits recipient participating in the development of, and complying with, a written and signed EA Service Plan ("SP"). Ibid. Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and a six-month period of EA ineligibility. Ibid.

Here, the record reflects that Petitioner applied for EA benefits on March 26, 2024, signed an EA SP, and was placed in motel housing. See Initial Decision at 2, 8; see also Exhibits R-6, R-7. The terms of the SP included complying with the Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") program, attending all scheduled meetings with EA Agency workers, and completing and submitting weekly housing and employment search logs beginning the week of April 12, 2024. See Initial Decision at 3; see also Exhibit R-7. Petitioner specifically acknowledged in the SP that she would comply with the SAI/BHI assessment and any treatment recommendations. Ibid.; see also Exhibit R-8. On May



8, 2024, the Agency was informed, via a WFNJ SAI/BHI Case Worker Referral Response Form, that Petitioner's SAI/BHI case was being closed as Petitioner was not assessed within the required thirty-day time frame. See Initial Decision at 4; see also Exhibit R-12. On May 16, 2024, Petitioner had a scheduled Services Appointment with her Agency social worker which she missed. Ibid.; see also R-18. On that same date, the Agency sent Petitioner notice that her EA benefits would be terminated effective June 16, 2024, for failure to comply with her SP, specifically for failing to submit her weekly housing and employment search logs, failing to attend her EA services meeting, and failing to comply with the SAI/BHI requirements. See Initial Decision at 4; see also Exhibit R-13. In addition, the Agency had determined that Petitioner had reached her lifetime limit for EA benefits after receiving benefits from November 2021 through July 2022, as well as March 2024 through June 2024. See Initial Decision at 4; see also Exhibit R-19, and N.J.A.C. 10:90-6.4(a).

The ALJ found, and the record reflects, that Petitioner failed to comply with the requirements contained in her SP, with no good cause credibly shown, by failing, continually, to provide proof of housing and employment searches, failing to complete the SAI/BHI program assessment, and failing to attend her required EA service appointment. See Initial Decision at 9; see also N.J.A.C. 10:90-6.6(a). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 9-10. I agree.

Further, the ALJ found, and the record substantiates, that Petitioner has received her lifetime limit of EA benefits, and currently does not qualify for any further extension of any kind. See Initial Decision at 10; see also N.J.A.C. 10:90-6.4(a), (b), (c). I also agree.

Petitioner was additionally in receipt of WFNJ/GA benefits. On June 10, 2024, Petitioner submitted a redetermination/recertification application to the Agency which included information about resources at a specific banking institution. See Initial Decision at 4, see also Exhibit R-1. In order to continue to remain eligible for benefits, Petitioner was required to provide the Agency with all necessary documentation and verifications. See Initial Decision at 10; see also N.J.A.C. 10:90-2.2(a)(5). On June 11, 2024, the Agency sent Petitioner a letter requesting verifications needed to process her redetermination/recertification application and specifically requesting that banking statements, among other documents, be submitted by July 10, 2024, and informing Petitioner that failure to provide the verifications would lead to a denial of benefits. See Initial Decision at 10; see also Exhibit R-2. Petitioner failed to provide the requested documentation, and on July 10, 2024, the Agency sent Petitioner notification that she was no longer eligible to receive WFNJ/GA benefits as she failed to provide the requested verifications necessary to determine her continued eligibility for benefits. See Initial Decision at 5; see also Exhibit R-4.

In order to determine eligibility for WFNJ/GA benefits, mandatory verification of certain information is required. See N.J.A.C. 10:90-2.2. Verification for WFNJ/GA benefits requires the applicant to provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5) (stating that "As a condition of eligibility for WFNJ benefits, the applicant shall, subject to good cause exceptions, be required to provide all necessary documentation."). Based on the credible testimony provided, the ALJ concluded that Petitioner had not provided the information required to be verified to determine continued eligibility, and as such, the Agency's denial of WFNJ/GA benefits to Petitioner was also proper and must stand. See Initial Decision at 7; see also N.J.A.C. 10:90-2.2(a)(5). I also agree.

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.

By way of further comment, Petitioner is without prejudice to reapply for WFNJ/GA benefits, if she has not already done so, but is reminded that she must provide all information and documentation requested in order to determine eligibility. Petitioner is advised to communicate directly with the Agency with regards to the application and any required documentation.

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

Officially approved final version. August 27, 2024

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Natasha Johnson  
Assistant Commissioner

