



## 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 15282-24 J.M.

AGENCY DKT. NO. C246030009 (HUDSON COUNTY DEPT OF FAM 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"), without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for an emergent hearing. On November 1, 2024, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On November 4, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

EA benefits recipients are required to develop and sign an SP with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the requirements identified in the SP, without good cause, shall result in the termination of EA benefits and the imposition of a six-month period of EA ineligibility. Ibid.

Here, Petitioner began receiving EA benefits in February 2024, when she was placed in a hotel where she continues to reside. See Initial Decision at 2. The Agency's social worker, who began handling Petitioner's case in May, 2024, attempted multiple times to contact Petitioner, via telephone and email, to confirm she was conducting the housing searches required by the terms of her SP. Ibid. When Petitioner was nonresponsive to the social worker's communications, Petitioner was scheduled for a meeting with the social worker. Ibid. The first scheduled date Petitioner advised that she was not available to attend, and the rescheduled date, Petitioner never appeared and gave no good cause reason for her failure to appear or reschedule. Ibid. The record further shows that Petitioner, since May 2024, has only met with one potential landlord and did not accept the offered apartment. Ibid. The ALJ in this matter found that Petitioner had an SP, wherein she agreed, among other things, to conduct weekly housing searches, and to provide the Agency with housing-search logs as proof of such searches. See Initial Decision at 3; see also N.J.A.C. 10:90-6.6(a).

At the time of the hearing, Petitioner was unable to provide any documentary evidence she had completed any housing searches. Ibid. Based on the foregoing, the ALJ concluded that the Agency had met its burden of proving that Petitioner had not cooperated with the Agency when she failed to attend a required appointment with her social worker or to properly respond to the social worker's communications, and further, that Petitioner had not taken appropriate steps to resolve her emergent situation, specifically because Petitioner had failed to conduct required housing searches. See Initial Decision at



4. As such, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. Ibid.; see also N.J.A.C. 10:90-6.6(a). I agree.

By way of comment, I note that, in accordance with the regulatory authority set forth at N.J.A.C. 10:90-6.6(a), in similar matters, a six-month ineligibility penalty, disqualifying an EA recipient from receipt of EA benefits, would normally be applied. However, as Petitioner was not noticed of any such disqualification penalty in the Agency's adverse action notice, and as Petitioner's EA SP was not entered into the record, and additionally, as the ALJ made no such finding as to the imposition of such penalty, I find that a six-month EA ineligibility penalty shall not be imposed in this matter. See N.J.A.C. 10:90-9.1(a). The Initial Decision is modified to reflect this finding.

By way of further 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.

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

Officially approved final version. November 12, 2024

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Natasha Johnson  
Assistant Commissioner

