



State of New Jersey

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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 01052-18 F.S.

AGENCY DKT. NO. C187826009 (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 abide by her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 20, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 23, 2018, 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, 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.

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 a six-month period of EA ineligibility. Ibid.

Here, the record reflects that on November 2, 2017, Petitioner executed an SP wherein she agreed, among other things, to complete a minimum of ten job searches and ten apartment searches per week, to cooperate and participate in Work First New Jersey ("WFNJ") education and training programs, to meet with her social worker weekly, and to renew her housing placement voucher. See Initial Decision at 2-3; see also Exhibit R-1. However, Petitioner admittedly failed to comply with the requirements of her SP, and failed to provide any proof to contradict the testimony of the Agency. See Initial Decision at 3; see also Exhibit R-7 at 4. Specifically, despite many reminder notices sent by the Agency, Petitioner failed to sign the required housing vouchers, failed to provide the required job and housing searches, and failed to attend certain meetings as required. See Initial Decision at 2; see also Exhibits R-2 through R-5, R-7 at 6, R-8. Due to Petitioner's acts of non-compliance, on January 12, 2018, the Agency determined that Petitioner had violated the terms of her SP, thereby causing her own homelessness, and as such, terminated her EA benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). Based on the foregoing, the ALJ concluded that Petitioner failed to comply with the requirements of her SP, thereby, causing her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). Accordingly, the ALJ affirmed the Agency's termination of Petitioner's EA benefits. Ibid.

I agree with the ALJ's conclusion that Petitioner failed to comply with her SP, without good cause, and that she has caused her own homelessness. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). However, I do not agree with the ALJ's conclusion that "[P]etitioner should be deemed ineligible to receive Emergency Assistance but



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without a period of ineligibility." See Initial Decision at 4. Rather, the plain language of N.J.A.C. 10:90-6.6(a) states that "[f]ailure to comply with the mandatory activities of the [SP] without good cause shall result in termination of EA benefits for a period of six months." Therefore, I hereby impose upon Petitioner a six-month period of ineligibility for EA benefits. See N.J.A.C. 10:90-6.6(a). Further, because Petitioner has been receiving continued assistance pending the outcome of this hearing, her six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. The Initial Decision is modified to reflect this finding.

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, the transmittal in this matter indicates an additional contested issue regarding the sanctioning of Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning the sanctioning of her WFNJ/TANF benefits, she may request another fair hearing on that issue alone.

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

Officially approved final version.

Natasha Johnson
Director

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