



State of New Jersey

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TRENTON, NJ 08625-0716

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*Director*

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

REMAND DECISION

OAL DKT. NO. HPW 11026-19 J.I.

AGENCY DKT. NO. C254284009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA 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"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 14, 2019, the Honorable Nanci G. Stokes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 15, 2019, the ALJ issued an Initial Decision, reversing 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to provide required documentation by a time certain, to meet with her social worker bi-weekly, and to attend all scheduled meetings. See Initial Decision at 3; see also Exhibit R-3. It appears from the record that Petitioner had complied with providing some, but not all, of the documentation required pursuant to her SP, and that she failed to attend a May 23, 2019, scheduled meeting, without good cause. See Initial Decision at 3-4; see also Exhibits P-1, R-5. Based on the foregoing, I find that Petitioner has failed to comply with her SP, and that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, was proper. See Initial Decision at 3; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). The ALJ in this matter did not make a determination as to whether or not Petitioner had failed to comply with her SP, but rather concluded that regardless of whether or not Petitioner had caused her own homelessness, she is eligible for one additional month of EA benefits because she has an open case with the Division of Child Protection and Permanency ("DCPP"). See Initial Decision at 2, 5-8; see also N.J.A.C. 10:90-6.1(c)(6). I respectfully disagree with the ALJ's



conclusion and interpretation of N.J.A.C. 10:90-6.1(c)(6). See Initial Decision at 5-8. Accordingly, the Initial Decision is modified to reflect the finding discussed below.

Specifically, because it appears from the record that Petitioner may have an open case with the DCPD, I find that she may be eligible for EA benefits even though she has caused her own homelessness. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-6.1(c)(6) (stating that "[i]n consultation with [DCPD], EA benefits shall be provided to a [DCPD] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements"). However, in order for Petitioner to be eligible for EA benefits, DCPD must agree to consult with the Agency and coordinate a DCPD plan, along with the Agency's SP and Individual Responsibility Plan ("IRP"). See N.J.A.C. 10:90-6.1(c)(6)(i); see also DFDI Instruction ("DFDI") 05-12-03 at 5. Accordingly, the Agency's termination of Petitioner's EA benefits, as well as its imposition of a six-month EA ineligibility penalty, are reversed, and the matter is remanded to the Agency to reach out to DCPD, on an expedited basis.

Further, Petitioner is to be provided with continued assistance, pending the Agency's consultation with DCPD, and DCPD's commitment to coordinate its plan with the aforementioned Agency plans. If, however, DCPD does not agree to work with the Agency, in accordance with the requirements set forth in the DFDI, Petitioner's EA benefits will be terminated and a six-month period of ineligibility for EA benefits will be imposed. See N.J.A.C. 10:90-6.6(a), and DFDI 05-12-03.

By way of comment, as Petitioner's EA benefits payment history is not part of the record, it cannot be determined how many EA benefit months Petitioner has definitively received. Therefore, I direct the Agency to review Petitioner's EA benefits payment history, keeping in mind that security deposits and furniture vouchers are not to be counted toward the number of EA benefit months Petitioner has received. See N.J.A.C. 10:90-6.4(a)(1), (3).

By way of further comment, because Petitioner will be receiving continued assistance pending the outcome of the Agency's consultation with DCPD, her six-month EA ineligibility penalty will begin to run as of the date of the issuance of DCPD's refusal to work with the Agency in accordance with DFDI 05-12-03, should such instance occur.

Also, by way of comment, copies of the Initial and Final Decision in this matter shall be forwarded to DCPD.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED to the Agency, as outlined above.

Officially approved final version.

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Natasha Johnson  
Director

AUG 22 2018

