



## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
PO BOX 716

CAROLE JOHNSON  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*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

### FINAL DECISION

OAL DKT. NO. HPW 06279-19 S.O.

AGENCY DKT. NO. C404039004 (CAMDEN COUNTY BOARD 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 pay her required 30 percent portion of her income towards her shelter costs. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 27, 2019, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 16, 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, 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, as discussed below.

As a condition of eligibility for Work First New Jersey ("WFNJ") benefits, applicants/recipients must sign an Individual Responsibility Plan ("IRP"). See N.J.A.C. 10:90-2.2(c), -4.7, -4.8. Additionally, pursuant to N.J.A.C. 10:90-2.2(d), "[a]ny WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program eligibility requirements without good cause shall render some or all assistance unit members ineligible for WFNJ benefits."

N.J.A.C. 10:90-6.5(a) states, "[r]ecipients of emergency assistance, including those receiving SSI, shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements[.]" (emphasis added).

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.



Here, the record reflects that Petitioner executed an SP wherein she agreed, among other things, to pay 30 percent of her income toward shelter placement costs. See Initial Decision at 2; see also Exhibit R-1 at 4-5, 15. The ALJ found that Petitioner had failed to pay any share of her household income toward her shelter costs, and as such, I find that Petitioner failed to comply with her SP. See Initial Decision at 2-3; see also Exhibit R-1 at 5. Petitioner claimed that the Supplemental Security Income ("SSI") benefits she receives are not considered income, and therefore, she cannot contribute toward her shelter costs as required. See Initial Decision at 2. However, in accordance with applicable regulatory authority, the ALJ found that Petitioner's SSI benefits are considered household income for purposes of the required 30 percent contribution toward shelter costs. Id. at 3; see also N.J.A.C. 10:90-3.1(a), -3.9(b), -3.19(a), -6.1(c)(2), -6.5(a), -15.1. Based on the record presented, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was proper and must stand. See Initial Decision at 3-4; see also Exhibit R-1 at 6-10, and N.J.A.C. 10:90-6.6(a). I agree. However, the Initial Decision is hereby modified to reflect that the issue presented in this matter is an SP violation and not an IRP violation, as stated throughout the Initial Decision. See Initial Decision at 2-3. As stated above, an IRP is an agreement executed for purposes of complying with the WFNJ cash benefits requirements, and is not applicable here, as Petitioner receives SSI benefits, and not WFNJ cash benefits. See N.J.A.C. 10:90-2.2, -4.7, -4.8. The Initial Decision is modified to reflect this finding.

By way of comment, because Petitioner has failed to comply with 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). Further, because Petitioner has been receiving continued assistance pending the outcome of the fair hearing, the 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.

AUG 19 2019

Natasha Johnson  
Director

