



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

P.O. Box 716

TRENTON, NEW JERSEY 08625

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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 10890-15 C.K.

AGENCY DKT. NO. GA573028 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits because she failed to comply with her service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 2, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 8, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I ADOPT the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND this case to the Agency for further action as set forth below.

EA is a supportive service designed 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. See N.J.A.C. 10:90-6.1(a). EA recipients are required to develop a service plan with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the activities and requirements identified in the service plan, without good cause, shall result in termination of EA and a six-month period of EA ineligibility. *Ibid.*

Here, Petitioner is a Work First New Jersey/General Assistance ("WFNJ/GA") benefits recipient who was granted EA in the form of shelter placement in 2014, which was terminated in October 2014, for a six-month period, due to non-compliance with her service plan. See Initial Decision at 2; see also Exhibit R-1 at 1 and N.J.A.C. 10:90-6.6(a). On April 16, 2015, Petitioner reapplied for, and was granted, EA in the form of a new shelter placement. See Initial Decision at 2; see also Exhibit R-1 at 1. On April 24, 2015, the Agency prepared a more detailed and restrictive service plan to encourage Petitioner's compliance with same. See Initial Decision at 2; see also Exhibit R-1 at 13-19. However, on June 18, 2015, the Agency again terminated Petitioner's EA, effective July 1, 2015, for failure to comply with her service plan. See Initial Decision at 1; see also Exhibit R-1 at 3-8.

In his Initial Decision, the ALJ noted that Petitioner has mental health issues; that she has recently undergone a psychological evaluation; and that she is currently receiving treatment there. See Initial Decision at 3. Based upon the Petitioner's diagnosed mental and physical disabilities, the ALJ found that the Petitioner had good cause for non-compliance with her service plan. See Initial Decision at 3-4.

The ALJ concluded, and I concur, that Petitioner should receive continued EA, subject to her demonstrating a commitment to continue treatment in an effort to "progress, rather than regress," with her mental health issues. See Initial Decision at 5. To that end, the Agency must modify Petitioner's service plan to incorporate, as required activities, her on-going mental health evaluations and treatment. *Ibid.* Therefore, Petitioner's continued EA is subject to the guidelines of her modified service plan. *Ibid.* The ALJ further concluded, and I agree, that should Petitioner fail to meet the standards set forth in her revised service plan, her EA will be terminated. *Ibid.*

By way of comment, based on the record, the Agency should refer Petitioner for evaluations pursuant to the Behavioral Health Initiative ("BHI") and the Substance Abuse Initiative ("SAI"). See N.J.A.C. 10:90-6.1(c)(1)(iii) and N.J.A.C. 10:90-18.2(a)(4). Should the BHI and SAI assessments require Petitioner to engage in additional types of treatment, those requirements shall be incorporated into her EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii) and N.J.A.C. 10:90-6.6(a)(1)(iii)(7).

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED and this matter is REMANDED to the Agency for action consistent with this Decision.

Signed Copy on File

at DFD, BARA

OCT 26 2015

Natasha Johnson

Director



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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 15008-15 Y.V.

AGENCY DKT. NO. C153123 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she had exhausted her lifetime limit of EA and all available extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 6, 2015, the Honorable Edward J. Delanoy, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 7, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

This office has been advised that the Agency is rescinding its denial, and EA benefits will be extended to Petitioner under HAP. Therefore, as the Director of the Division of Family Development, Department of Human Services, I hereby find that this matter has now been rendered moot, and I therefore DISMISS Petitioner's appeal.

Should Petitioner not be extended benefits, Petitioner is without prejudice to request another fair hearing.

Accordingly, Petitioner's appeal now being deemed moot, the matter is hereby DISMISSED.

7 OCT 28 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director