

State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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Jennifer Velez Commissioner

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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 14989-14 J.R.

AGENCY DKT. NO. V007641 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits due to failure to comply with his service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2014, the Honorable John Schuster III, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 16, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and AFFIRM the Agency determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, and Supplemental Security Income ("SSI") recipients like Petitioner, such as imminent homelessness, so that the recipient can continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a); -6.2(a). N.J.A.C. 10:90-6.6(a) outlines both the recipient and Agency responsibilities in helping resolve the emergency situation and to assist the recipient in securing suitable permanent housing. Recipients' responsibilities include acknowledgment by their signature that they will comply with, and carry out, a service plan ("SP"). Failure to comply with the mandatory activities of the SP, without good cause, shall result in the termination of EA benefits for a period of six months. N.J.A.C. 10:90-6.6(a).

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"Absence from a particular day of employment or a WFNJ activity scheduled session shall be considered temporarily excused participation ... when the participant has notified his or her employer or an appropriate person at the work activity of the need for an absence from a particular day or appropriate documentation is provided." N.J.A.C. 10:90-4.11(b).

The record shows that on August 1, 2014, Petitioner signed an SP that, in relevant part, required him to attend a daily outpatient behavior treatment program. Initial Decision at 2; Exhibit R-1 at 13-15. Petitioner had six absences from the program in August 2014, and one more on September 8, 2014, before the Agency terminated Petitioner's EA benefits effective September 17, 2014. Initial Decision at 2; Exhibit R-1 at 21-25, 28-34.

Having reviewed the record, it appears Petitioner violated a number of basic program provider rules in connection with each of his August and early September 2014 absences. Exhibit R-1 at 30-31. These violations include, but are not limited to, failure to obtain case-manager approval for absence or early dismissal and leaving the premises without authorization. Ibid. Five of the seven day-long absences were totally unexcused, and the remaining two absences were belatedly documented, but not excused, by doctor's notes stating Petitioner was unable to work, not that he was unable to attend the program. Exhibit R-1 at 26-27. Based upon the foregoing, it is clear Petitioner did not establish good cause for non-compliance with his SP. N.J.A.C. 10:90-4.11. As such, I find that the Agency appropriately terminated EA benefits in September 2014, and I hereby impose a six-month period of EA ineligibility. Petitioner may not reapply for EA benefits until March 18, 2015.

I note that the record further shows that the Agency then granted EA benefits in October 2014, at which time Petitioner signed a new SP that likewise required him to provide documentation of any absences from the behavioral health program. Exhibit R-1 at 43-44. In mid-November 2014, the Agency terminated EA benefits, again for failure to comply with the SP. Exhibit R-1 at 70-72. The ALJ found Petitioner was absent from the program for multiple days in October 2014 and ten days in November 2014. Initial Decision at 2-3; Exhibit R-1 at 64-68, 74-79. However, I note that there is no indication in the record if Petitioner has appealed the November 2014 termination of EA benefits, and the ALJ in the present matter properly did not make any specific findings regarding whether the adverse Agency action was appropriate.

Therefore, as indicated above, Petitioner is ineligible for EA benefits until March 18. 2015. That period of ineligibility may potentially be longer if the November 2014 Agency action is not withdrawn, rescinded, or reversed.

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Accordingly, the Initial Decision is ADOPTED and the Agency determination is AFFIRMED.

FEB 11 2015

Signed Copy on File at DFD, BARA

Jeanette Page-Hawkins Director