

## **DEPARTMENT OF HUMAN SERVICES**

Chris Christie Governor

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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 1069-15 R.D.

AGENCY DKT. NO. GA327688 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's 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 March 3, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 3, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

The purpose of EA is 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. N.J.A.C. 10:90-6.1(a). N.J.A.C. 10:90-6.6(a) outlines both recipient and Agency responsibilities in helping to resolve the emergency situation and to assist the recipient in securing suitable permanent housing. Recipients' responsibilities include

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acknowledgment by their signature that they will comply with, and carry out, a service plan. Pursuant to N.J.A.C. 10:90-6.6(a)(1)(i), "The service plan [("SP")] shall include, as appropriate, but is not limited to: Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems." If a recipient fails to comply with the [SP], without good cause, then the recipient's EA must be terminated for a period of six months. See N.J.A.C. 10:90-6.6(a).

The record indicates that Petitioner was the recipient of EA benefits, in the form of shelter placement, until the Agency terminated her EA benefits because she failed to comply with her SP by not attending a required Agency appointment. See Initial Decision at 1, 2. Additionally, it appears from the record that Petitioner has mental health issues and is being assisted by a mental health caseworker. See id. at 3. Further, Petitioner testified that her disability, in conjunction with bad weather, caused her to miss the required appointment with the Agency. Ibid. Notably, the record indicates that the Agency terminated Petitioner's EA benefits because she had not applied for Supplemental Security Income ("SSI"), but is devoid of any other facts needed for me to address this issue. Ibid.

Based on Petitioner's testimony, the ALJ found that Petitioner presented "Good Cause" for failing to make the scheduled appointment with the Agency that resulted in her failure to comply with her SP. Ibid. Accordingly, the ALJ concluded, and I concur, that the Agency termination of Petitioner's EA benefits must be reversed.

By way comment, the Initial Decision does not indicate how many months of EA Petitioner has received, so it is unclear as to whether she has exhausted her EA lifetime limit and any extreme hardship extension. The record merely indicates that one of the reasons the Agency terminated Petitioner's EA benefits was because she failed to apply for SSI. Ibid. However, the record indicates that Petitioner has since applied for SSI and obtained a MED-1. Ibid. Therefore, if appropriate, the Agency should evaluate Petitioner for an extension of EA benefits under the Housing Assistance Program ("HAP") pilot. See N.J.A.C. 10:90-6.10(a)(1)Ii)(requiring a pending SSI application and MED-1 form).

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File at DFD, BARA

MAR 1 2 2015

Jeanette Page-Hawkins Director