



State of New Jersey

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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

REMAND DECISION

OAL DKT. NO. HPW 13056-14 C.M.

AGENCY DKT. NO. C195930 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA"). The Agency denied EA as it contended that Petitioner had been terminated from her former employment and is now subject to a six month period of ineligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 14, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 22, 2014, the ALJ issued her Initial Decision. The ALJ upheld the Agency's imposition of a two month penalty on Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, as well as the six month period of ineligibility for EA benefits. See Initial Decision at 8. The ALJ further ordered that the Agency meet with Petitioner to determine her current eligibility for EA benefits. *Ibid.*

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner. The Exceptions assert that Petitioner should be found to have served the six month period of ineligibility for EA benefits from the time at which Petitioner applied for immediate need in March of 2014. See Exceptions at 2. The Exceptions also argue that Petitioner never received written notice when her TRA was terminated in November 2013, and therefore the termination was invalid and Petitioner should now be eligible for EA. *Ibid.*

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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 hereby MODIFY the Initial Decision and REMAND to the Agency for further evaluation.

The purpose of EA is to meet the emergent needs, such as imminent homelessness, of public assistance recipients and SSI applicant/recipients. See N.J.A.C. 10:90-6.1(a).

The ALJ in this matter determined that the two month sanction of Petitioner's WFNJ/TANF in March of 2014, and the imposition of a six month period of ineligibility by the Agency, were proper. See Initial Decision at 7. I note that the two month sanction of Petitioner's WFNJ/TANF benefits was never appealed by Petitioner within the appropriate time frame, see N.J.A.C. 10:90-9.10(a), and accordingly, that issue is now moot.

The operative question to be determined in the present matter is when did the six month period of eligibility for EA benefits, for having been terminated from her employment, deemed a voluntary quit, begin to run? Did it attach when Petitioner presented at the Agency on March 7, 2014, see Exhibit R-1, and is thus now over? Or did it begin to run when Petitioner applied for EA benefits in late September 2014? The ALJ in the present matter appears to opine that it ran from March 2014, when the Agency denied Petitioner a continuation of EA/TRA benefits, through September 2014. See Initial Decision at 6-7.

The record in this matter shows that Petitioner had been receiving EA/TRA in late 2013. See Initial Decision at 4. Petitioner's WFNJ/TANF benefits were then terminated in February 2014. Ibid. The exact reason for the termination of both the EA/TRA and WFNJ/TANF are not indicated in the record. However, what is clear is that Petitioner came to the Agency with an eviction notice, seeking immediate need in March 2014. See Exhibit R-1. It appears that Petitioner was advised of the two month disqualification of her WFNJ/TANF benefits at that time due to the termination from her employment, and as WFNJ benefits are a prerequisite for receipt of EA, Petitioner was denied EA. Ibid.

Based upon the foregoing, I concur with the ALJ that the six month period of ineligibility for EA benefits began to run from March 7, 2014, through September 7, 2014. Therefore, Petitioner would now be eligible to be considered for EA benefits and as such, I am remanding the matter back to the Agency for expeditious evaluation of eligibility for EA benefits.

A copy of the Initial and Final Decisions in this matter will be forwarded to the Division of Child Protection and Permanency ("DCP&P") to ensure that the health, safety and welfare of Petitioner's children will be protected.

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As the WFNJ/TANF issue was addressed by the ALJ in her Initial Decision, and I have found that issue to be moot, I hereby MODIFY the Initial Decision in this matter. The case is REMANDED back to the Agency for further evaluation as outlined above.

NOV 06 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director