



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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 7888-14 J.W.

AGENCY DKT. NO. GA313543 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of his Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA because he failed to comply with his service plan. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2014, the Honorable Linda M. Kassekert, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 18, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party submitted exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law that are contained in the Initial Decision.

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). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve her emergent situation. 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 service plan. *Ibid.* If a recipient fails to comply with the service plan, then the recipient's EA must be terminated for a period of six months. *Ibid.*

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Here, I agree with the ALJ the Petitioner failed to comply with the terms of his service plan without good cause. As such, the Agency appropriately terminated Petitioner's EA, and he is ineligible for EA for a period of six months in accordance with N.J.A.C. 10:90-6.6(a).

By way of comment, the record indicates that the Petitioner, a Work First New Jersey/General Assistance ("WFNJ/GA") recipient, "has a drug charge for distribution on his record from 2009. He was incarcerated for three months." Initial Decision at 3. However, in order to be eligible for the WFNJ/GA program, the individual receiving assistance must be free of certain drug convictions. Specifically, any individual "convicted on or after August 22, 1996 under federal or state law for any offense which is classified as a felony or crime, as appropriate under the laws of the jurisdiction involved and which has an element of the possession, use, or distribution of a controlled substance" is ineligible for WFNJ/GA benefits. N.J.S.A. 44:10-48(b)(7); N.J.A.C. 10:90-18.6 et seq. As such, the Agency may wish to reevaluate Petitioner's WFNJ/GA eligibility based upon his testimony at the hearing.

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

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Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director