



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 9871-14 P.D.

AGENCY DKT. NO. C049547 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") based upon non-compliance with the Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 2, 2014, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 23, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Petitioner submitted exceptions on October 6, 2014.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and AFFIRM the Agency determination.

Petitioner receives Work first New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In May 2014, the Agency granted EA and placed Petitioner, his "wife/girlfriend" and their 6 children in two adjacent hotel rooms. In June, the Agency confirmed a complaint by hotel management that Petitioner was allowing a second woman and her 3 children to live in one of the two rooms. The Agency terminated EA in July after a return visit confirmed the continuing unauthorized occupancy and its supplemental investigation indicated the second woman did not appear to live at her stated home address.

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Petitioner denies the second woman ever lived with the assistance unit in the hotel, and contends he was babysitting and/or taking the woman's children to day care to earn gas money to enable him to search for work and permanent affordable housing.

"Receipt of [EA] is contingent upon the recipient's taking reasonable steps toward resolving the emergent situation." N.J.A.C. 10:90-6.6(a). "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." Ibid.

There is sufficient credible evidence the second woman and her 3 children were substantially living with Petitioner in violation of his SP. The ALJ credited the testimony of the Agency representative and an investigator to the effect they found the second woman in Petitioner's hotel room on their first visit, and she admitted having lived there for the previous 8 days. In addition, the investigator testified he subsequently visited the second woman's last known address 7 times and found no evidence the residence was actively occupied. In contrast, the ALJ rejected Petitioner's testimony as unsubstantiated and self-interested.

I will forward copies of the Initial and Final Agency Decisions to Division of Child Protection and Permanency, f/k/a DYFS to insure the protection of the health, safety and welfare of Petitioner's children.

For the foregoing reasons, I ADOPT the Initial Decision and AFFIRM the Agency determination.

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Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director