



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

REMAND DECISION

OAL DKT. NO. HPW 7898-14 Q.C.

AGENCY DKT. NO. C435703 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 17, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On July 24, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

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

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.

Petitioner refused the grant of EA in the form of a shelter placement and the Agency imposed a six-month penalty.

EA is a supportive service designed "to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirements due to disruptions caused by homelessness and related emergencies." N.J.A.C. 10:90-6.1(a).

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N.J.A.C. 10:90-6.3(a)(1) authorizes the Agency to determine the most appropriate form of emergency housing which is required to address the need, taking into consideration individual/family circumstances and services provided. EA is contingent upon the Petitioner taking reasonable steps towards resolving the emergent situation, including but not limited to following Agency recommendations. N.J.A.C. 10:90-6.6(a).

EA is not available for a period of six months when an adult EA applicant or recipient has caused her own homelessness, without good cause, or does not comply with a mandatory activity in the Service Plan ("SP"). N.J.A.C. 10:90-6.1(c)(3); -6.6(a).

I agree with the ALJ that Petitioner's simple refusal of EA in the form of a shelter placement constitutes sufficient credible evidence to support the adverse Agency action. Notwithstanding, the record suggests Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS. N.J.A.C. 10:90-6.1(c)(6) states that "in consultation with [DCP&P], EA shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements."

I therefore remand this matter to the Agency to establish appropriate communication and consultation with DCP&P to determine whether Petitioner has an open case with DCP&P. If there is an open case, the Agency shall work with DCP&P to ensure coordination of the DCP&P plan, SP and Individual Responsibility Plan. N.J.A.C. 10:90-6.1(c)(6)(i). In so doing, I note it appears Petitioner anticipates reunification with her nineteen month-old child this month, and that the non-custodial parent remains incarcerated. I further note it appears Petitioner received WFNJ/TANF cash benefits and a full SNAP allotment during the period of time DCP&P had custody of the child.

DCP&P shall receive a copy of the Initial and Final Decisions.

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

AUG 13 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director