



State of New Jersey

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TRENTON, NJ 08625-0716

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*Assistant Commissioner*

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 11932-19 W.R.

AGENCY DKT. NO. C174255009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had failed to comply with her EA service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 12, 2019, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 17, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, based on the discussion below.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve their emergent situation. See 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 written and signed SP. *Ibid.* If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated, and a six-month period of ineligibility for EA benefits imposed. *Ibid.*; see also N.J.A.C. 10:90-6.1(c)(3)(ix).

Here, the record reflects that on March 21, 2019, Petitioner executed an SP wherein she agreed, among other things, to provide the Agency with certain documents required to help her achieve the goals for self-sufficiency, as set forth in her SP, and to attend scheduled meetings. See Initial Decision at 2; see also Exhibit R-3 at 7-8. By notices dated March 28, and May 29, 2019, Petitioner was instructed to provide certain requested documents to the Agency, to attend meetings scheduled for April 10, and June 5, 2019, and to execute a new SP. See Initial Decision at 2; see also Exhibits R-1, R-2. Petitioner failed to appear at those scheduled meetings and failed to provide the requested documentation. See Initial Decision at 2. Consequently, the Agency terminated Petitioner's EA benefits, on the basis that she failed to comply with her SP. *Ibid.*; see also Exhibit R-3 at 1-4, and N.J.A.C.



10:90-6.1(c)(3)(ix). Petitioner testified that she failed to attend the scheduled meeting because she “simply forgot.” See Initial Decision at 3. The record also reflects that Petitioner attempted to provide the Agency with the required documentation only after her EA benefits had been terminated. Ibid. Based on the foregoing, the ALJ affirmed the Agency’s termination of Petitioner’s EA benefits, and the imposition of a six-month EA ineligibility penalty, on the mistaken basis that Petitioner violated the terms of her Individual Responsibility Plan (“IRP”) violation. See Initial Decision at 3-5; see also Exhibit R-3 at 1-4. I agree with the ALJ’s affirmation of the Agency’s termination of Petitioner’s EA benefits, and the imposition of a six-month EA ineligibility penalty, however an IRP is the controlling document relevant to Work First New Jersey cash benefits program compliance, and an SP is the controlling document relevant to EA benefits program compliance. See Initial Decision at 5; see also N.J.A.C. 10:90-4.8, -6.6(a). Accordingly, I find that Petitioner failed to comply with her SP, without good cause, and on that basis, I find that the Agency’s termination of Petitioner’s EA benefits, and the imposition of a six-month EA ineligibility penalty were proper and must stand. See Initial Decision at 3; see also Exhibit R-3 at 1-4, and N.J.A.C. 10:90-6.1(c)(3)(ix), -6.6(a). Moreover, the ALJ found that Petitioner is not homeless or imminently homeless, and on that basis, I also find that she is ineligible for EA benefits. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c). The Initial Decision is modified to reflect these findings.

By way of comment, Petitioner’s six-month EA ineligibility penalty shall run from July 31, 2019, the effective date of the termination of her EA benefits, through January 30, 2020. See Exhibit R-3 at 1-4.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency’s action is AFFIRMED, as outlined above.

Officially approved final version.

OCT 18 2019

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Natasha Johnson  
Assistant Commissioner

