



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 17893-15 M.E.

AGENCY DKT. NO. C191211 (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 penalty contending that she violated her EA service plan ("SP"), by failing to comply with the rules of her shelter. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 17, 2015, the Honorable Kimberly A Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 18, 2015, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and REVERSE the Agency's determination.

N.J.A.C. 10:90-6.3(e) provides, "The recipient shall be eligible for continued EA for other violations, including but not limited to those identified in (e)(1) below, that result in a termination from a facility. The caseworker shall evaluate the recipient's circumstances and make an appropriate placement.... An adult EA recipient who incurs two or more terminations, for reasons that may include, but are not limited to the following, will result in a loss of EA for a period of six months.... Violation of the facility's policies concerning visitation, for example, visits to other floors, rooms or outside guests...." See also DFD Instruction 08-5-4 at 10.

Here, the record shows that Petitioner failed to comply with the rules of her shelter by

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allowing a visitor/guest into her motel room. See Initial Decision at 2. However, it does not appear that she had been evicted from the motel, or if she had been, that this was her second termination from such a facility. See N.J.A.C. 10:90-6.3(e)(1)(iii). Therefore, I find that the Agency improperly terminated Petitioner's EA benefits, and improperly imposed a six-month EA penalty.

By way of comment, Petitioner is put on notice that any further violation of placement/motel rules will result in not only termination of her EA benefits, but also the imposition of a six month period of ineligibility for EA benefits as outlined above.

Accordingly, the Initial Decision is REJECTED and the Agency's action is REVERSED.

Signed Copy on File

at DFD, BARA

JAN 27 2016

Natasha Johnson
Director