



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Director
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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 18816-17 C.S.

AGENCY DKT. NO. C080786018 (SOMERSET COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she caused her own homelessness by failing 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 January 2, 2018, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 2, 2018, the ALJ issued an Initial Decision reversing the Agency's determination. Here, the record indicates that Petitioner is a Supplemental Security Income ("SSI") recipient, who had received 11 months of EA benefits as of December 2017. See Initial Decision at 2-3. The Agency terminated Petitioner's EA benefits, asserting that Petitioner caused her homelessness by failing to comply with her EA SP. See Initial Decision at 3-4; see also Exhibits R-1, R-7 and N.J.A.C. 10:90-6.6(a). The ALJ reversed the Agency's determination, finding that the Agency had not provided sufficient evidence of Petitioner's failure to comply with her SP. See Initial Decision at 3-4. However, the ALJ found that Petitioner's 12-month lifetime limit of EA benefits would expire at the end of January 2018, and, as such, ordered the Agency to provide EA benefits to Petitioner in the form of temporary shelter housing until then. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.4(a). Further, the ALJ concluded that after January 2018, the Agency may terminate Petitioner's EA benefits, as Petitioner had offered no testimony that would support an extension of EA benefits. See Initial Decision at 2, 4-5; see also N.J.A.C. 10:90-6.4(a), (b), (c). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's decision in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

Additionally, in accordance with DFD Instruction ("DFDI") 17-01-01, upon the Agency's receipt of the Final Agency Decision ("FAD"), I direct that the Agency schedule Petitioner for a closing interview and offer Petitioner a referral to the Intensive Case Management ("ICM") vendor, if appropriate. Petitioner is advised that this scheduled meeting is mandatory, and that failure to attend may result in Petitioner being ineligible for ICM services. Ibid. Petitioner must formally consent, in writing, to accept ICM services, including the transfer of her personal information to the ICM vendor, before a referral can be made. Petitioner is advised that failure to accept ICM services will make her ineligible for ICM services at any future date. The Agency shall document the outcome of that meeting.



Finally, should Petitioner consent to participate in the ICM program, the Agency is instructed to fax or email said referral to the ICM vendor on the date of the interview, along with this FAD and any other information and documents as set forth in DFDI 17-01-01 at 2.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

Officially approved final version.

Natasha Johnson

Director

JAN 10 2018,

