



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 2496-15 C.C.

AGENCY DKT. NO. GA539430 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because he failed to comply with his service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 7, 2015, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On May 18, 2015, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on May 26, 2015.

A Response to Petitioner's Exceptions was filed by the Agency on May 27, 2015.

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 ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his emergent situation. N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the

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creation of and complying with a written and signed SP. Ibid. Additionally, "the agency shall review each activity listed on the [SP] with the recipient." Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated for a period of six months. Ibid.

Here, Petitioner executed an SP wherein in he agreed to provide the Agency with status updates on his Supplemental Security Income ("SSI") application, every two months. See Initial Decision at 2; see also Exhibit R-4. The record further indicates that Petitioner only provided the required SSI updates to the Agency after it sent him a 30-day notice requesting him to submit the required SSI updates. See Initial Decision at 2.

Petitioner testified that he did not provide the SSI updates because he never received, nor requested, a copy of the SP and was, therefore, unaware that he was required to submit such updates. Id. at 3. Additionally, Petitioner claimed that he did not read the service plan even though he signed it. Ibid. The ALJ found that the Agency demonstrated that Petitioner signed a SP, but failed to comply with it. Ibid. I agree with the ALJ and further find that Petitioner's failure to read his SP, and failure to request a copy of the SP, is not good cause sufficient to warrant noncompliance with his SP. Moreover, there is no indication in the record that the Agency failed to review the SP with the Petitioner. N.J.A.C. 10:90-6.6(a). Therefore, I find that the Agency properly terminated Petitioner's EA benefits. Further, Petitioner is ineligible for EA benefits for six months.

By way of comment, although the ALJ's legal analysis and conclusion make reference to a violation of shelter rules, not at issue here, based on the facts of the case I find that the ALJ's ultimate conclusion is correct.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

JUN 03 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director