



State of New Jersey

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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 12388-14 J.M.

AGENCY DKT. NO. GA306207 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of housing assistance and imposition of a six month period of EA ineligibility. The Agency terminated her EA benefits because she had been evicted from a second shelter for failing to follow shelter rules. Because the Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 7, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On November 14, 2014, the ALJ issued his Initial Decision, reversing the Agency's termination of Petitioner's EA benefits. While commending the shelter in its diligence in overseeing the storage of residents' medications, the ALJ found that the evidence presented was insufficient to establish that Petitioner had violated the shelter's medications storage and dispensing rules. See Initial Decision at 4-5. Recognizing Petitioner's history of mental health and drug abuse issues, the ALJ noted that Petitioner is presently participating in the Substance Abuse Initiative ("SAI"), as well as additional out-patient programs and therapy sessions, and is "compliant and cooperative with the related programs." See *id.* at 2, 5. In reversing the Agency's termination, the ALJ further commented on Petitioner's clinicians having recommended against a shelter placement. See *id.* at 5.

No Exceptions were filed to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision and hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency's determinations.

Petitioner is the recipient of benefits from the WFNJ welfare program, N.J.S.A. 44:10-34, et seq., through the Respondent Agency. Specifically, Petitioner receives monthly Work First New Jersey/General Assistance ("WFNJ/GA") benefits, which consist of cash assistance for single adults or couples without dependent children. N.J.A.C. 10:90-1.1(b).

Petitioner is also the recipient of EA benefits in the form of housing/shelter placement. 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 related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a).

N.J.A.C. 10:90-6.6(a) outlines both recipient and Agency responsibilities in helping to resolve the emergency situation and to assist the recipient in securing suitable permanent housing. Recipients' responsibilities include acknowledgment by their signature that they will comply with, and carry out, a service plan. N.J.A.C. 10:90-6(a)(1)(i) further states, "The service plan shall include, as appropriate, but is not limited to: Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems."

In regards to placement violations, N.J.A.C. 10:90-6.3(e),(f) and (g) state, "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. ... A second eviction will result in a loss of EA for a period of six months, unless good cause has been determined. Prior to EA termination, the [Agency] shall review with the recipient the reason(s) for termination. If additional barriers are identified that may have prevented EA compliance, then the recipient is considered to have good cause and shall not be terminated and a penalty shall not be imposed."

As recognized by the ALJ in this matter, Petitioner has a history of both mental health and substance abuse issues for which Petitioner has been undergoing treatment, and in which her providers report she is compliant. See Initial Decision at 2. While she is cooperative and compliant in her treatment regime, I do find that her issues present recurring challenges for Petitioner. As stated by one provider, "Since [Petitioner's] initial homelessness and interaction with the shelter system she has become increasingly emotionally labile[,]... is displaying increased panic and anxiety Based upon [Petitioner's] diagnosis and limited coping tools, placement within a community living situation, including a shelter, would be extremely detrimental. [Petitioner] is best served in an independent living environment to reduce the risk of symptoms and potentially erratic behaviors." See Exhibit P-1 at 19.

Based upon the foregoing, I concur with the ALJ that the Agency improperly terminated Petitioner's EA and I further find that the six month period of ineligibility is not to be imposed. The Agency is to properly reassess and reevaluate Petitioner to determine an appropriate housing placement, taking into account Petitioner's mental health issues and recommendations of her providers. Reassessment of Petitioner's service plan should also give necessary guidance for assistance in applying for subsidized housing and Supplemental Security Income, if not already completed.

Accordingly, I hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency's determinations in this matter.

Signed Copy on File
JAN - 2 2015 at DFD, BARA

Jeanette Page-Hawkins
Director