



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel (609) 588-2400

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 13455-15 J.S.

AGENCY DKT. NO. GA404180 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of his application for an extreme hardship extension of Emergency Assistance ("EA") because he failed to comply with his service plan and caused his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 9, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 10, 2015, the ALJ issued his Initial Decision affirming the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination.

EA is a supportive service designed 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. See N.J.A.C. 10:90-6.1(a). WFNJ recipients who have a physical and/or mental disability or impairment may qualify for a deferral from the work requirement by documenting same through the submission of a Med-1 form covering a 12-month period. See N.J.A.C. 10:90-4.10(a)(2). EA recipients are required to participate with the Agency in formulating, complying with, and carrying out an EA

service plan. See N.J.A.C. 10:90-6.6(a). Failure to comply with the activities identified in the service plan, without good cause, shall result in the termination of EA and a six-month period of ineligibility. Ibid.

EA is limited to 12 cumulative lifetime months, plus limited extensions for "extreme hardship." See N.J.A.C. 10:90-6.4(a). A Work First New Jersey/General Assistance ("WFNJ/GA") recipient may qualify for one six-month extension of EA if the Agency determines that a case of extreme hardship exists. See N.J.A.C. 10:90-6.4(c).

Here, the record reveals that, as a WFNJ/GA recipient, Petitioner began receiving EA in October 2014, and he has received 11 units of EA through July 2015. See Initial Decision at 3; see also Exhibit 1 at 57-60. On June 8, 2015, Petitioner entered into an EA service plan requiring him to, among other things, submit a 12-month Med-1 form by September 15, 2015, notify his social worker before moving to another apartment, and take personal responsibility for any conduct that results in his removal from housing into which he was placed. See Initial Decision at 2; see also Exhibit 1 at 26-30. By his signature, Petitioner acknowledged that he understood his responsibilities contained in the service plan. See Exhibit 1 at 29.

On June 23, 2015, Petitioner received a termination notice from his landlord, advising that his lease would terminate on June 30, 2015, because of "material noncompliance" by Petitioner with the terms of the lease. See Initial Decision at 3; see also Exhibit 1 at 25. In the notice, the landlord indicated several ways in which Petitioner had violated his lease, including having large groups of people in his room and in the common areas, smoking in his room with his guests, and permitting guests to stay overnight in an unoccupied room and in his room, all of which constituted "a breach of the quiet enjoyment of the other tenants and create[d] a danger to their health and well being." See Exhibit 1 at 25. Thereafter, Petitioner voluntarily left the apartment on June 30, 2015, taking all of his possessions with him and leaving the keys in the room. See Initial Decision at 3; see also Exhibit 1 at 24. On that date, Petitioner called his landlord on her cell phone to advise her that he had vacated the apartment and had left the keys inside. Ibid. However, Petitioner did not inform his case worker about his decision to vacate the apartment until sometime after he had moved out. See Initial Decision at 3.

On August 3, 2015, Petitioner applied to the Agency for an EA extreme hardship extension. See Exhibit 1 at 22-23. In his application, Petitioner stated that the reason for his request was that he had no place to go. Ibid. On August 5, 2015, the Agency denied Petitioner's application because he failed to comply with his service plan and had caused his own homelessness. See Exhibit 1 at 8-21.

At the hearing, the ALJ found that Petitioner violated the terms of his service plan, without good cause, by failing to keep his Med-1 current and by failing to advise his case worker prior to moving out of his apartment. See Initial Decision at 4. On that

Page 3

basis, the ALJ concluded, and I concur, that the Agency's termination of EA and the denial of Petitioner's request for additional EA under the extreme hardship extension was appropriate and must be affirmed. _____

By way of comment, the fair hearing transmittal sheet in this matter indicates that Petitioner may also have issues regarding the termination of his WFNJ/GA and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. However, the ALJ does not address those issues in his Initial Decision. Therefore, if Petitioner still has issues concerning the termination of those benefits, he may request another fair hearing regarding those issues alone.

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

Signed Copy on File
at DFD, BARA

SEP 21 2015

Natasha Johnson
Director