



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

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director

Tel. (609) 588-2000

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 6749-14 K.B.

AGENCY DKT. NO. C009070 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") and imposition of a six month period of ineligibility. The Agency terminated her EA benefits because it contends that she failed to comply with her service plan. Because the Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 29, 2014, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On July 29, 2014, the CALJ issued an Initial Decision, reversing the Agency's termination of Petitioner's EA benefits and six month penalty. The CALJ found that the service plan the Agency contended Petitioner had not complied with was almost two years old and no new service plan was offered. See Initial Decision at 4. The CALJ further commented that the terms of the service plan do not include "must language." Ibid. The CALJ therefore found that Petitioner could not be held responsible "for activities she agreed to perform in relation to a different grant of EA." Ibid. The CALJ further noted that Petitioner had found employment and is moving towards her goal of self-sufficiency, thereby demonstrating eligibility for a hardship extension, with no six month penalty to be imposed. Ibid.

Neither party filed Exceptions 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 CALJ and REVERSE the Agency's determination.

The purpose of EA is to meet the 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. Failure to comply with the service plan, without good cause, will result in the termination of EA benefits for a period of six months.

N.J.A.C. 10:90-6.6(a)(2) requires that, in cases where TRA has been granted, "the EA service plan shall be monitored, as appropriate by the Agency, but not less than every six months."

The record in this matter shows that Petitioner first applied for EA in September 2012. See Initial Decision at 4; see also Exhibit R-7. The Initial Decision states that as of May 2014, Petitioner had received 12 months of EA. See Initial Decision at 4. In late April 2014, Petitioner applies for a hardship extension. See *id.* at 2; see also Exhibit R-4. No intermittent service plan, between September 2012 and April 2014, was proffered by the Agency, to establish that Petitioner's service plan was being monitored as required by regulation. In support of its position, the Agency relies on a mailing which occurred in March 2014, prior to Petitioner's April 2014 extension application, advising EA clients that the County's Section 8 program would be opening its list and requiring EA applicants to apply. See Initial Decision at 2; see also Exhibits R-2 and R-3. However, what is unclear from the record is if Petitioner was indeed receiving EA in the period when the notice was sent out, and what was the service plan that was in effect at that time. Accordingly, I concur with the CALJ's determination in this matter that Petitioner cannot be held responsible for agreed upon activities in relation to a different grant of EA.

Based upon the foregoing, I hereby ADOPT the Initial Decision of the CALJ and REVERSE the Agency's determination in this matter.

Signed Copy on File
at DFD, BARA

SEP 12 2014

Jeanette Page-Hawkins
Director