



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 10747-15 K.S.

AGENCY DKT. NO. C034628 (SALEM COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she failed to comply with her EA service plan ("SP") by failing to attend mandatory Agency appointments. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 10, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 12, 2015, the ALJ issued his Initial Decision, modifying the Agency's determination.

No Exceptions to this Initial Decision were filed.

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 MODIFY the ALJ's Initial Decision and REVERSE 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 creation of, and complying with, a written and signed SP. 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.

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Here the Agency terminated Petitioner's EA benefits because she failed to comply with her SP, by failing to attend two mandatory Agency appointments. See Initial Decision at 1. However, the ALJ found that Petitioner showed good cause for failing to attend the required appointments, and was otherwise compliant with her SP, thereby not warranting a termination of her EA benefits. *Id.* at 3, 4. I concur. Additionally, the record shows that Petitioner was compliant with her SP for the 11 months prior to her missing of the appointments, had been searching for employment, and is recently employed. *Id.* at 2, 4. Based on the foregoing, and considering the various obstacles Petitioner has surmounted, the ALJ found that she has demonstrated that she is moving toward self-sufficiency, and the termination of her EA benefits would be counterproductive. *Id.* at 4-5. I concur.

However, rather than reverse the Agency's determination, the ALJ modified its determination by making Petitioner's EA benefits contingent upon her remaining employed. *Id.* at 5. I respectfully disagree with this contingency, and find that Petitioner's continued EA eligibility is contingent upon her continued compliance with her current SP, as well as otherwise remaining eligible for EA benefits in accordance with N.J.A.C. 10:90-6.1. The Initial Decision is modified to reflect this finding.

By way of further comment, the transmittal in this matter indicates that Petitioner also appealed the sanctioning of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits and Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. See Initial Decision at 2. However, the record indicates that these sanctions were rescinded. *Ibid.* Therefore, as Petitioner's sanction issues are now moot, they are not addressed in this Final Decision.

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

Signed Copy on File
at DFD, BARA

AUG 27 2015

Natasha Johnson
Director