



## State of New Jersey

### 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 2255-15 K.T.

AGENCY DKT. NO. V582384 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits. The Agency terminated the Petitioner's EA because she purportedly failed to comply with her service plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 19, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 25, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

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 MODIFY the Initial Decision of the ALJ and REVERSE the Agency's determination.

EA is available to Work First New Jersey ("WFNJ") or Supplemental Security Income ("SSI") recipients who are homeless or imminently homeless and meet all eligibility criteria. See N.J.A.C. 10:90-6.1(a). Once EA is granted, in order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve the emergent situation. See 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 SP. *Ibid.* If a recipient fails to comply with the SP, then the recipient is ineligible for EA benefits for a period of six months. *Ibid.*

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Here, the Petitioner is an SSI recipient who is confined to a wheelchair. See Initial Decision 2. Petitioner resides with her paramour, who was previously her paid caregiver; however, such payment benefits have since expired. Ibid. The household income level is currently \$764.00, the amount of Petitioner's monthly SSI check. Ibid. Petitioner's application for EA was approved on November 21, 2014, whereupon a SP was executed on December 11, 2014. Ibid. The SP required Petitioner to perform ten housing searches per week or 40 per month. Ibid. However, Petitioner was only able to submit 24 housing searches and the Agency terminated her EA because she failed to comply with her SP. Ibid.

The ALJ concluded, and I agree, that due to Petitioner's limited mobility, good cause existed for her failure to meet the SP's housing search requirement. See *id.* at 4. However, I disagree with the ALJ's directive to provide Petitioner with EA for her motel room, and therefore modify the Initial Decision as follows.

The record indicates that Petitioner resides with her paramour, J.K., in a motel room. It does not appear from the record that J.K. is a WFNJ or SSI recipient. Because EA can only be provided to WFNJ and SSI recipients, see N.J.A.C. 10:90-6.2, so long as J.K. is a non-WFNJ or SSI benefits recipient, the Agency cannot pay for J.K.'s share of rent towards the motel room, or any other housing where Petitioner may be placed by the Agency, and J.K. will be responsible for his share accordingly.

As ordered by the ALJ, Petitioner and the Agency are to develop a new SP, taking into account Petitioner's limitations. See Initial Decision at 5. The Agency should limit the number of Petitioner's housing searches to a reasonable weekly or monthly total given Petitioner's physical condition, and must also take into account that Petitioner's search is limited to the first floor of a building or a unit with elevator access. Petitioner should apply for subsidized housing in all 18 subsidized housing developments within the county.

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

*Signed Copy on File*  
at DFD, BARA

MAY 26 2015

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Natasha Johnson  
Director