



**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 15281-15 M.R.

AGENCY DKT. NO. C240216 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of motel placement because she failed to comply with her service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 6, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 7, 2015, the ALJ issued an Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on October 16, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby REJECT 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). EA recipients are required to develop and sign an EA service plan with the Agency. 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 termination of EA benefits and a six-month period of EA ineligibility. *Ibid.*

Here, the assistance unit consists of Petitioner and her four children. See Initial Decision at 2. On June 4, 2015, Petitioner applied for, and was granted, EA in the form of motel placement. *Ibid.* On June 11, 2015, Petitioner signed an EA service plan in which she agreed to, among other things, comply with all motel rules and to seek and apply for subsidized housing. See Exhibits R-1(a), R-1(b) and R-2. However, Petitioner allowed additional people to stay in her motel room, thereby violating the motel's rules and, therefore, violating her service plan. See Exhibits R-3, R-4(a) and R-4(b). As a result, the Agency terminated Petitioner's EA effective September 30, 2015. See Exhibit R-7.

At the hearing, Petitioner testified that she did not know about EA/Temporary Rental Assistance ("EA/TRA") and was not aware that she was eligible for same. See Initial Decision at 3. That testimony lacks credibility because, when Petitioner applied to the Agency for EA, she had no apartment, nor did she have any prospects for one. See Agency Exceptions filed October 16, 2015. Thus, the Agency placed Petitioner and her family into a motel, and Petitioner was made aware of her responsibility to seek permanent public housing, and in fact, she agreed to do so in her service plan. See Exhibits R-1(a) and R-1(b). However, Petitioner failed to seek subsidized housing, in further violation of her service plan. *Ibid.* See Exhibits R-1(a) and R-1(b).

Petitioner also testified that "she paid her share of the motel bill for October 2015," which directly contradicts the documentary evidence. See Initial Decision at 3; see also Exhibit P-2. Rather, the only reason that Petitioner's portion of her October 2015, motel payment was made was because the Agency restricted Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") grant for October 2015, in the amount of \$488.00, and that amount was sent directly to the motel on Petitioner's behalf. See Exhibit P-2.

In the Initial Decision, the ALJ found Petitioner credible when she testified that she was not aware, and was never advised of, the opportunity to apply for EA/TRA. See Initial Decision at 3. Moreover, the ALJ believed Petitioner's assertion that "she obeys the motel rules." See Initial Decision at 2. Because I find that the documentary evidence contradicts Petitioner's testimony, and instead, clearly illustrates that Petitioner violated her EA service plan, I hereby reject the ALJ's Initial Decision and find that the Agency's action must stand.

Moreover, in accordance with the WFNJ regulations, I hereby impose a six-month period of EA ineligibility upon Petitioner, commencing September 30, 2015. See N.J.A.C. 10:90-6.6(a). Petitioner may reapply for EA on or after March 31, 2015.

By way of comment, the Agency shall refer the Petitioner to any agencies or programs which may assist her with her housing needs, including, but not limited to, Social Services for the Homeless and, because her son is a Supplemental Security Income recipient, any housing resources or subsidized housing where eligibility is based upon disability.

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

*Signed Copy on File*  
at DFD, BARA

**OCT 27 2015**

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Natasha Johnson  
Director