



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director

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 13860-14 P.O.

AGENCY DKT. NO. S519006 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), and by extension, her Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF, and by extension her EA benefits because she failed to provide the Agency with information related to her previously uncollected unemployment claim. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 12, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 13, 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 ADOPT the Initial Decision of the ALJ 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).

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). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have, "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." Only WFNJ and Supplemental Security Income recipients with an immediate need are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

An applicant/recipient, as a condition of eligibility for WFNJ/TANF benefits, shall, among other things, provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5). If Petitioner appears to be eligible for other benefits, such as Unemployment Insurance Benefits ("UIB"), and refuses that assistance, the entire assistance unit will be ineligible to receive cash assistance. N.J.A.C. 10:90-1.12.

The record in this matter indicates that Petitioner entered into an EA Service Plan on May 30, 2014. See Initial Decision at 2; see also Exhibit R-5. Petitioner was subsequently evicted on June 2, 2014, and placed in a motel. See Initial Decision at 2. Two days later, the Agency issued Petitioner a Request for Contact, directing her to provide information regarding the remaining balance on her September 2013 unemployment claim. *Ibid.* On the same day, June 4, 2014, the Agency issued an adverse action letter terminating Petitioner's WFNJ/TANF benefits, which Petitioner claims she did not receive until after the 10-day response deadline had passed, due in part to a trip to Virginia for two weeks in July. *Ibid.* Furthermore, it is clear that the Agency sent both notices to Petitioner's former address. *Ibid.* Thereafter, on July 28, 2014, Petitioner delivered the requested information about her UIB claim to the Agency. *Ibid.*

The ALJ found Petitioner had "good cause" for not replying to the Agency's request in a timely manner, and thereby reversed the Agency's determination. *Id.* at 4. I agree. Petitioner's WFNJ/TANF benefits, and by extension her EA benefits, were terminated because she did not provide the Agency with proof she was unable to collect on the outstanding amount of her UIB claim. However, Petitioner did, in fact, provide the Agency with the requested information regarding the outstanding claim. *Id.* at 2, para. 8.

It appears from the record that Petitioner's WFNJ/TANF benefits were reinstated. *Id.* at 2, para. 1. However, it is unclear whether Petitioner's EA benefits were reinstated, or if she is still in need of assistance and is otherwise eligible. As such, Petitioner is without prejudice to reapply for EA benefits, if she has not already done so.

Based upon the foregoing, I hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency's determination.

APR 13 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director