



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

REMAND DECISION

OAL DKT. NO. HPW 12890-14 R.M.

AGENCY DKT. NO. C099813 (HUDSON COUNTY DEPT OF FAM 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 service plan. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 10, 2014, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted. On November 26, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action.

On December 11, 2014, Exceptions were submitted by the Division of Child Protection and Permanency ("DCP&P"), in support of Petitioner being extended EA benefits. I note that Exceptions are only to be submitted by the parties to the case, which DCP&P is not. See N.J.A.C. 1:1-18.4(a). However, I have considered a letter from Petitioner, dated December 10, 2014, which was included as an attachment.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision, and filed Exceptions and I ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination and REMAND back to the Agency.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where 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." N.J.A.C. 10:90-6.1(c).

Page 2

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 service plan ("SP"). Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA must be terminated for a period of six months. Ibid.

In the instant case, Petitioner was receiving EA benefits. Respondent testified that in accordance with her SP, Petitioner had been notified, that within 30 days of the date of the letter, she was to provide the Agency with proof that her portion of the rent had been paid, that she had filled out an energy assistance application, and that she had performed weekly job searches. See Initial Decision at 1-2. Petitioner testified that she provided the Agency with her June rent receipts, but did not provide them with her weekly job searches "because she had sustained an injury to her knee and could not leave her child unattended." Id. at 2. This assertion by Petitioner was not substantiated by any documentation in the record. Therefore, the ALJ found Petitioner failed to comply with her SP, without good cause, and her EA benefits were properly terminated.

However, the Exceptions filed in this matter indicate that Petitioner has an open case with DCP&P. See Exceptions at 1. N.J.A.C. 10:90-6.1(c)(6) states that "in consultation with [DCP&P], EA shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements." Therefore, I am remanding this matter to the Agency to establish appropriate communication and consultation with DCP&P to ensure coordination of the DCP&P plan, EA service plan and Individual Responsibility Plan. See N.J.A.C. 10:90-6.1(c)(6)(i). Petitioner is hereby put on notice, however, that further failure to comply with the coordinated service plan may result in the termination of EA. See N.J.A.C. 10:90-6.1(c)(6)(i)(2).

By way of comment, I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ. See N.J.A.C. 1:1-18.4(c). However, I note that the documents submitted with the Exceptions do not appear to be all of the documents the Agency required.

As the Petitioner has an open case with the DCP&P, a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's child(ren).

Page 3

Accordingly, the Initial Decision is ADOPTED, the Agency's action is AFFIRMED, and the matter is REMANDED back to the Agency for handling in accordance with this decision.

JAN 21 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director