



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
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 4448-15 R.M.

AGENCY DKT. NO. C099813 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") and imposition of a six-month period of EA ineligibility. The Agency denied the Petitioner's application for EA 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 April 2, 2015, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 6, 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. 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. *Ibid.* If a recipient fails to comply with the service plan, then the recipient is ineligible for EA benefits for a period of six months. *Ibid.*

The Agency representative testified Petitioner was in violation of her service plan. See Initial Decision at 3. However, the record in this matter is devoid of the service plan Petitioner was allegedly in violation of. See Initial Decision at 3; see also Exhibit R-1 at 2. Petitioner testified she and her two children are facing a lockout from their home as of April 13, 2015. Ibid. In addition, a verified complaint dated March 13, 2015, indicates Petitioner is in arrears for rent payments beginning in December 2014, up to March of 2015. See Exhibit R-2 at 3. Therefore, based on the record, there is no evidence Petitioner is in violation of her service plan and is, in fact, facing imminent or actual homelessness. Consequently, I agree with the ALJ that Petitioner is eligible for EA. Furthermore, Petitioner is not subject to a six-month EA penalty.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director