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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

REMAND DECISION

OAL DKT. NO. HPW 04721-18 A.G.

AGENCY DKT. NO. C268135009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she moved to New Jersey ("NJ") without a plan, and voluntarily quit employment, without good cause, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for April 9, 2018, but was adjourned to allow Petitioner the opportunity to obtain an interpreter. On April 10, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 11, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination.

Here, the ALJ found that Petitioner moved to NJ without a plan, thereby causing her own homelessness, and that she voluntarily quit employment. See Initial Decision at 3-4. However, the ALJ concluded that although Petitioner caused her own homelessness, she qualifies for consideration for EA benefits, provided she meets all other EA eligibility requirements, because she has an open case with the Division of Child Protection and Permanency ("DCP&P"). See Initial Decision at 5; see also Exhibit P-2, and N.J.A.C. 10:90-6.1(c)(6) (stating that "[i]n consultation with [DCP&P], EA benefits 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"). The ALJ also found that Petitioner's inability to continue in her employment, when she and her six minor children lost housing, established good cause for Petitioner's voluntary quit. See Initial Decision at 4-5. Based on the foregoing, the ALJ found that Petitioner was entitled to EA benefits, and reversed the Agency's denial of said benefits, and its imposition of a six-month EA ineligibility penalty. *Id.* at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3), (6).



I disagree with the ALJ's conclusion that Petitioner is eligible for EA benefits solely because she has an open DCP&P case. See Initial Decision at 5. Rather, I find that she may be eligible for EA benefits. Specifically, in order for Petitioner to be eligible for EA benefits, DCP&P must agree to consult with the Agency and coordinate a DCP&P plan, along with the Agency's service plan and Individual Responsibility Plan. See N.J.A.C. 10:90-6.1(c)(6)(i); see also DFDI Instruction ("DFDI") 05-12-03 at 5. If, however, DCP&P does not agree to work with the Agency, in accordance with the requirements set forth in the DFDI, EA benefits will be denied and a six-month period of ineligibility for EA benefits will be imposed. See N.J.A.C. 10:90-6.6(a), and DFDI 05-12-03. Further, Petitioner is to be provided with immediate need housing, which may include shelter placement, pending the Agency's consultation with DCP&P, and DCP&P's commitment to coordinate its plan with the aforementioned Agency plans.

See N.J.A.C. 10:90-1.3(a), -6.3(a)(1). The Initial Decision is modified to reflect this finding, and the matter is remanded to the Agency for action accordingly.

By way of comment, Petitioner's six-month EA ineligibility penalty will begin to run as of the date of the issuance of DCP&P's refusal to work with the Agency in accordance with DFDI 05-12-03, should such instance occur.

By way of further comment, as Petitioner has an open case with DCP&P, a copy of the Initial and Final Decisions in this matter shall be forwarded to DCP&P.

Also by way of comment, the ALJ's Initial Decision orders that Petitioner is "granted six months EA, retroactive to December 2012." See Initial Decision at 5. As the date is not consistent with the present matter, nor is Petitioner receiving Temporary Rental Assistance for an apartment, this statement is hereby disregarded.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED and the matter is REMANDED to the Agency as outlined above.

APR 17 2010

Officially approved final version.

Natasha Johnson
Director

