



## 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 12257-14 C.L.

AGENCY DKT. NO. GA485760 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because Petitioner failed to comply with his service plan. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 20, 2014, the Honorable Michael Antoniewicz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On December 2, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's action.

Exceptions were filed to the Initial Decision by Petitioner, on December 10, 2014. I note that the Exceptions improperly include documents not entered into evidence before the ALJ. See N.J.A.C. 1:1-18.4(c) ("Evidence not presented at the hearing shall not be submitted as part of an exception ....").

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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).

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.

In July 2014, Petitioner was receiving EA in the form of Temporary Rental Assistance ("TRA"). See Exhibit R-2. On July 24, 2014, Respondent wrote to the Petitioner advising that pursuant to Petitioner's service plan he must provide the Agency with "a full report from Social Security Administration Office giving the status of [his] application for Social Security Income (SSI) and/or Social Security Disability-Retirement (SSD)" by August 15, 2014 or his benefits would be terminated. See Exhibit R-1. Petitioner did not provide the Agency with the required documentation by that date, and as such, he failed to comply with his SP, and his EA benefits were terminated. See Initial Decision at 2.

While the documents submitted by the Petitioner with his Exceptions may not be taken into consideration in this decision, I note that the documents submitted are those which were required by Respondent pursuant to his SP, but not yet in his possession. The documents include a letter from his landlord advising of imminent eviction (dated 12/10/14), a letter from Citizen's Disability indicating the filing of an SSI appeal on his behalf (dated 08/28/14), and a letter from the Social Security Administration advising on the hearing process for denial of Supplemental Security Income ("SSI") (dated 12/01/14). See Exceptions at 3, 6 & 7, respectively. Therefore, Petitioner may reapply for EA benefits and submit the documentation to the Agency for further evaluation of his EA eligibility.

Accordingly, the Initial Decision is AFFIRMED and the Agency's determination is AFFIRMED.

**DEC 29 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director