



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 3182-15 E.F.

AGENCY DKT. NO. C179724 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because Petitioner's EA benefits were terminated on November 7, 2014, for failure to comply with her service plan ("SP") and a six-month period of ineligibility for EA benefits was imposed. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2015, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 17, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on March 23, 2015.

A Warrant of Removal was filed by Petitioner on March 23, 2015.

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 REJECT 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 a path to self-sufficiency. 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 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 written and signed service plan. Ibid. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated for a period of six months. Ibid.

A WFNJ benefits recipient has 90 calendar days to appeal an Agency's adverse action. See N.J.A.C. 10:90-9.10(a). That time limit may not be expanded, unless extraordinary and extenuating circumstances exist, such as serious illness, as determined by DFD. See N.J.A.C. 10:90-9.10(b).

Here, Petitioner's appeal is based on the Agency's March 4, 2015, denial of EA benefits. The Agency based its March 4th denial on a previous, November 7, 2014, termination of Petitioner's EA benefits and the imposition of a six-month period of ineligibility for EA benefits, effective December 1, 2014. See Initial Decision at 2; see also Exhibit R-5 at 2. Specifically, the Agency terminated Petitioner's EA benefits on November 7, 2014, because she failed to comply with her service plan, which, consequently, required the imposition of a six-month period of ineligibility for EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.6(a).

However, it is clear from the record that Petitioner did not appeal the November 7, 2014, termination of her EA benefits nor the consequent six-month period of EA ineligibility, within the 90-day timeframe for appeal, and is now out of time to do so. See N.J.A.C. 10:90-9.10(a). Therefore, consideration by the ALJ of any good cause basis for Petitioner's failure to comply with her SP, the subsequent termination of her EA benefits, and the imposition of a six-month period of EA ineligibility, is now untimely and improper. See N.J.A.C. 10:90-9.10. Accordingly, the Agency properly denied Petitioner EA benefits on March 4, 2014.

By way of comment, Petitioner may re-apply for EA benefits after her six-month period of EA ineligibility has expired on May 2, 2015, provided she continues to need EA benefits and is otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

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

Signed Copy on File
at DFD, BARA

MAR 26 2015

Jeanette Page-Hawkins
Director