



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 9359-14 J.H.

AGENCY DKT. NO. C090403 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") based upon non-compliance with the Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 29, 2014, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On September 5, 2014, the ALJ issued an Initial Decision which modified the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision and REVERSE the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In July 2014, the Agency terminated EA in the form of Temporary Rental Assistance based upon non-compliance with the SP, specifically Petitioner's failure to apply for utility assistance. Petitioner contends she made a good faith effort to apply for assistance, but has found it difficult to obtain the documents necessary to complete her application. The ALJ agreed, and modified the Agency determination to hold the sanction in abeyance until October 1, 2014.

"Receipt of [EA] is contingent upon the recipient's taking reasonable steps toward

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resolving the emergent situation.” N.J.A.C. 10:90-6.6(a). “Failure to comply with the mandatory activities of the [SP] without good cause shall result in the termination of EA benefits for a period of six months.” Ibid.

The Agency shares responsibility with Petitioner to resolve the emergent situation and to help the assistance unit to secure a suitable permanent housing arrangement. Ibid. Petitioner is the victim of domestic violence (“DV”) and has an open case with the Division of Child Protection and Permanency (“DCP&P”), f/k/a DYFS. There is sufficient credible evidence to support the finding Petitioner made a good faith effort to apply for utility assistance while remaining compliant with WFNJ work activities and participating in DV services. Under the circumstances, the Agency should rescind the penalty, and coordinate with DCP&P to help Petitioner submit a completed application for utility assistance and prevent homelessness. N.J.A.C. 10:90-6.1(c)(6).

I will forward copies of the Initial and Final Agency Decisions to DCP&P to insure the protection of the health, safety and welfare of Petitioner’s children.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

DEC - 3 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director