



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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Chris Christie  
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Kim Guadagno  
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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 15269-14 L.S.

AGENCY DKT. NO. C311337 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's termination of Emergency Assistance ("EA") benefits because she violated her Service Plan ("SP"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 23, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 28, 2015, the ALJ issued an Initial Decision which reversed the Agency determination.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I MODIFY the Initial Decision, REVERSE the Agency determination, and REMAND the matter to the Agency.

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). EA is also available to Supplemental Security Income ("SSI") recipients such as Petitioner is now. *Ibid.* Furthermore, receipt of EA benefits is contingent upon the recipient taking reasonable steps towards resolving the emergent situation, including but not limited to, following Agency recommendations and compliance with an SP. N.J.A.C. 10:90-6.6(a).

The Agency terminated EA benefits in May 2014 after Petitioner, then a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, did not report the grant of monthly SSI benefits including the award of back SSI benefits payable in two lump-sum installments. N.J.A.C. 10:90-6.6(a). Initial Decision at 2; Exhibits J-1, P-1. The termination having been withdrawn after Petitioner produced a copy of the grant letter, the Agency again terminated EA benefits in October 2014 because Petitioner, now a recipient of SSI and child-only WFNJ/TANF benefits, did not report the second lump-sum payment of back SSI benefits in September 2014 in alleged violation of her SP. Initial Decision at 2-3; Exhibit P-4.

The ALJ found that production of the grant letter in May 2014 put the Agency on notice that Petitioner would receive a second lump-sum payment of back SSI benefits, and further found that Petitioner discussed receipt of that payment with an Agency worker in October 2014. Initial Decision at 3-5. Based upon these determinative facts, I find that Petitioner was compliant with her SP, modify the Initial Decision to the extent the ALJ reviewed the plain language of the SP, and reject the suggestion that conceded non-compliance with one or more of its "numerous provisions" does not support an adverse action affecting EA benefits. I remand the matter to the Agency to re-evaluate Petitioner's eligibility for WFNJ/TANF and EA benefits retroactive to April 1, 2014, and under the totality of the circumstances, for the parties to sign an updated SP that specifically states Petitioner's mandatory reporting requirements, including her continuing obligation to timely report changed circumstances and to provide an accounting of the use of any lump sum payments.

Accordingly, the Initial Decision is MODIFIED, the Agency determination is REVERSED, and the matter is REMANDED to the Agency.

*Signed Copy on File*

at DFD, BARA

**APR 16 2015**

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Natasha Johnson  
Director