



DEPARTMENT OF HUMAN SERVICES

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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 7668-15 M.R.

AGENCY DKT. NO. C069839 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from the Respondent Agency's termination of his Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency terminated Petitioner's EA/TRA for failure to comply with his service plan. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On June 3, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 4, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on June 5, 2015. No exceptions were filed on behalf of the Petitioner.

As 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 hereby ADOPT the Initial Decision and REVERSE the Agency determination.

EA recipients are required to enter into a service plan with the Agency which consists of mandatory and non-mandatory activities. See N.J.A.C. 10:90-6.6(a). Failure to comply with the mandatory activities set forth in the service plan, without good cause, shall result in termination of EA and a six-month period of ineligibility. *Ibid.*

Here, Petitioner has received EA/TRA since September 2014 as a Work First New Jersey ("WFNJ") benefits recipient. See Initial Decision at 2; see also Exhibit R-2. On December 9, 2014, Petitioner entered into an EA service plan with the Agency. Ibid. The service plan obligated Petitioner to perform ten employment searches per week. See Initial Decision at 2; see also Exhibit R-2 at 15-18. On February 2, 2015, Louis Vasquez, Petitioner's EA/TRA Social Worker, lowered Petitioner's weekly job search requirement to five. See Initial Decision at 2; see also Exhibit R-2 at 11.

At the hearing, Mr. Vasquez testified that Petitioner remained current with his employment searches through February 2, 2015. See Initial Decision at 2. By March 3, 2015, no further job searches were received from Petitioner and Mr. Vasquez terminated Petitioner's EA/TRA effective May 1, 2015. Ibid. However, due to administrative error, Mr. Vasquez was unaware that Petitioner obtained a job in February 2015 and that, on February 25, 2015, One-Stop Career Center sent the Agency a request to cancel Petitioner's work activity requirement as of January 29, 2015. Ibid.; see also Exhibit R-1 at 19 and Exhibit R-2 at 26. The result was the termination by Mr. Vasquez of Petitioner's EA/TRA for failure to comply with the service plan. Ibid.

The ALJ found that Petitioner's service plan obligation to produce employment searches ended when Petitioner found employment. See Initial Decision at 3. Specifically, the ALJ opined that requiring Petitioner to produce job searches after he was already employed served no purpose. Ibid. Accordingly, the ALJ concluded, and I agree, that the Agency's termination of Petitioner's EA/TRA should be reversed. Ibid.

I have reviewed the Agency's exceptions and I find that the arguments made therein do not alter my decision in this matter.

Notwithstanding the above, it is unclear why the ALJ deemed the termination of Petitioner's WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits an "unrelated issue" and then severed that issue from Petitioner's EA/TRA termination. See Initial Decision at 1-2. On the contrary, EA eligibility is contingent upon the receipt of either WFNJ or Supplemental Security Income ("SSI") benefits. See N.J.A.C. 10:90-6.2(a). Thus, Petitioner is eligible for EA only so long as he continues receiving WFNJ benefits.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is hereby REVERSED.

JUN 10 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director