



State of New Jersey

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 2597-15 M.W.

AGENCY DKT. NO. C120440 (MERCER COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's request because Petitioner's EA benefits had previously been terminated effective December 1, 2014, for failure to comply with her service plan and further, because Petitioner did not present with a new emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 24, 2015, the Honorable Joseph A. Ascione, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents.

On February 25, 2015, the ALJ issued his Initial Decision affirming the Agency's determination. The ALJ noted that during the presentation of the Agency's case, Petitioner left the hearing, despite advisement from the ALJ not to leave the hearing room. See Initial Decision at 2. As Petitioner departed without any explanation and against direction from the ALJ, the ALJ concluded that Petitioner had abandoned her appeal. *Ibid.*

No exceptions to the Initial Decision were filed.

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

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).

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N.J.A.C. 10:90-6.6(a) outlines both recipient and Agency responsibilities in helping to resolve the emergency situation and to assist the recipient in securing suitable permanent housing. Recipients' responsibilities include acknowledgment by their signature that they will comply with, and carry out, a service plan. Failure to comply with the service plan, without good cause, shall result in termination of EA benefits and a six-month period of ineligibility. Ibid.

The record in this matter shows that Petitioner was notified on October 28, 2014, that effective December 1, 2014, her EA benefits would be terminated for failure to comply with her service plan. See Exhibit R-2. There is nothing in the record to indicate that Petitioner ever appealed that termination, or provided good cause for the failure to comply with her service plan. As such, Petitioner is subject to a six-month period of EA ineligibility through June 1, 2015.

Petitioner then applied for, and was denied, EA benefits on February 4, 2015. See Exhibit R-3. The Agency's adverse action notice notes the prior EA termination for failure to comply with her service plan, and also, that Petitioner presented with no new emergency, as the bases for the denial. Ibid.

As indicated by the ALJ, Petitioner abandoned her hearing in this matter, despite advisement from the ALJ not to do so. See Initial Decision at 2.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's determination is hereby AFFIRMED.

MAR 04 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director