



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development

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*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

REMAND DECISION

OAL DKT. NO. HPW 14143-15 N.B.

AGENCY DKT. NO. C662258 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of shelter. The Agency terminated Petitioner's EA benefits because it determined that she had violated the terms of her EA service plan ("SP"), without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 26, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 28, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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, AFFIRM the Agency's determination, and REMAND the matter back to the Agency as outlined below.

The record shows that under the terms of Petitioner's SP, she was required to provide the Agency with a monthly report of at least 40 housing searches. See Initial Decision at 2. The record also shows that Petitioner failed to provide such reports for the months of March, April, May, and June, 2015. Ibid. Additionally, the record shows that Petitioner has an open case with the Department of Child Protection & Permanency ("DCP&P"), f/k/a DYFS. Ibid.; see also Exhibit P-2. The ALJ found that although Petitioner initially failed to comply with her SP, she had "subsequently

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and substantially complied" with the same when she conducted successive monthly housing searches and found permanent housing. *Id.* at 3. Accordingly, the ALJ concluded that the Agency improperly terminated Petitioner's EA benefits because she had complied with her SP. *Ibid.*

Based on an independent review of the record, I find that Petitioner had violated the terms of her SP, without good cause, when she failed to provide proof of housing searches for four months, and thereby caused her own homelessness. See Initial Decision at 2; see also N.J.A.C. 10:90-6.6(a). Petitioner knew or should have known when she signed her SP, that fulfilling the required number of housing searches, and providing monthly proof of the same, was one of the conditions of her receiving EA benefits. See Initial Decision at 2. Moreover, a subsequent or substantial compliance with her SP, is not compliance under the plain language of the EA regulation. *Id.* at 3; see also N.J.A.C. 10:90-6.6(a). Therefore, I find that the Agency properly terminated Petitioner's EA benefits.

However, because the record shows that Petitioner has an open DCP&P case, she may be eligible for EA benefits even though she has been found to have caused her own homelessness. See N.J.A.C. 10:90-6.1(c)(6) ("In consultation with [DCP&P], EA benefits shall be provided to a [DCP&P] family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements."). In order for Petitioner to be eligible for EA benefits, DCP&P must agree to consult with the Agency and coordinate a DCP&P plan along with the Agency's SP and Individual Responsibility Plan. See N.J.A.C. 10:90-6.1(c)(6)(i); see also DFD Instruction ("DFDI") 05-12-3 at 5.

Further, Petitioner is to be provided with continued assistance, pending the Agency's consultation with DCP&P, and DCP&P's commitment to coordinate its plan with the aforementioned Agency plans. If, however, DCP&P does not agree to work with the Agency in accordance with the requirements set forth in the DFDI, Petitioner's EA benefits will be terminated and a six-month penalty will be imposed. A copy of the Initial and Final Decisions shall be forwarded to DCP&P.

Based upon the foregoing, I REJECT the Initial Decision, AFFIRM the Agency's determination, and REMAND the matter to the Agency based on the discussion above.

*Signed Copy on File*

at DFD, BARA

**DEC 15 2015**

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Natasha Johnson  
Director