



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 19618-15 N.H.

AGENCY DKT. NO. C127938 (BERGEN COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that she failed to comply with her EA service plan ("SP"), by failing to comply with the rules of her shelter placement, resulting in her eviction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 15, 2015, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 16, 2015, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

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

Pursuant to N.J.A.C. 10:90-6.2, only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits.

N.J.A.C. 10:90-6.3(c) provides, "EA shall not be provided to adult recipients who are terminated without good cause from an EA placement ... for a period of six months when the termination is the result of the recipient's actions, which may include, but

are not limited to, the actions identified in (c)(1) through 6 below ... Destruction of property ... Threatening and/or disruptive behavior that affects the operations of the shelter or the safety of other residents ... Violation of health and safety policies"

Here, the ALJ found that Petitioner was not a WFNJ cash recipient or SSI recipient, and, therefore, not eligible for EA benefits. See Initial Decision at 3; see also N.J.A.C. 10:90-6.2. I concur.

Moreover, based on an independent review of the record, I find that Petitioner violated her SP, by failing to comply with the rules of her shelter placement, as substantiated by the shelter's Incident Reports, by engaging in disruptive behavior, resulting in Petitioner's eviction. See Exhibits R-6, R-7. Accordingly, I find that Petitioner caused her own homelessness, and is ineligible for EA benefits for a period of six months, effective September 24, 2015. See Exhibit R-4, R-5; see also N.J.A.C. 10:90-6.3(c), -6.6(a).

By way of comment, the fair hearing transmittal sheet indicates that Petitioner appealed a termination of her WFNJ/Temporary Assistance for Needy Families ("TANF") benefits. However, it is not clear from the record if Petitioner was ever receiving WFNJ/TANF or Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. See Initial Decision at 2; see also Exhibit R-8. This matter was not substantively addressed by the ALJ at the hearing, other than by a footnote advising Petitioner of her right to re-apply for WFNJ/TANF and SNAP, benefits, and her right to request another fair hearing if those benefits are denied. See Initial Decision at 3. As there are not enough facts in the record for me to make an independent determination regarding any such termination of Petitioner's WFNJ/TANF benefits, I have not done so here.

By way of further comment, it appears from the record that the Petitioner may have an open case with the Division of Child Protection and Permanency ("DCP&P), a copy of the Initial and Final Decisions shall be forwarded to DCP&P to ensure the health, safety, and welfare of Petitioner's children.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

DEC 28 2015

Natasha Johnson
Director