



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 4024-15 R.M.

AGENCY DKT. NO. GA113145 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she violated her service plan ("SP") by failing to disclose that a family member moved into her apartment. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2015, the Honorable W. Todd Miller, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 2, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

Exceptions to the Initial Decision were filed by the Agency on June 8, 2015.

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 REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

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. If a recipient fails to comply with the service plan, without good cause, then the recipient's EA benefits must be terminated for a period of six months. See N.J.A.C. 10:90-6.6(a).

Pursuant to N.J.A.C. 10:90-1.13(a), "The client must inform the county or municipal agency of any change in circumstances as soon as possible but no later than 10 calendar days after the change takes place."

Pursuant to N.J.A.C. 10:90-6.1(c)(2), as part of the determination of eligibility or continued eligibility for EA, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance ("TRA") to be provided.

Here, Petitioner moved her mother into her apartment sometime in October 2014, and failed to notify the Agency of this change in circumstance until January of 2015, in violation of her SP. See Initial Decision at 3-4; see also Exhibit R-1 at 32. Accordingly, this SP violation results in a six-month period of ineligibility, effective February 1, 2015. See N.J.A.C. 10:90-6.6(a); see also Exhibit R-1 at 3.

While the ALJ found that Petitioner had violated her SP, he also found that her unique circumstances justified some equitable consideration. See Initial Decision at 3-4. Therefore he modified the Agency's decision by reversing its termination of Petitioner's EA benefits, recommending recoupment of Petitioner's overpayment as a substitute penalty. *Id.* at 4. Although I am understanding of Petitioner's circumstances, the fact remains that Petitioner's mother lived with her for four months before she advised the Agency of that fact, well beyond the ten days set out in N.J.A.C. 10:90-1.13(a), and in violation of her SP. *Ibid.*; see also Exhibit R-1 at 32.

Moreover, Petitioner's mother was receiving \$744 per month in SSD benefits, and that income information needed to be provided to the Agency, since the amount of TRA to be provided is determined by evaluating all potential contributions of support to the household. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(c)(2). Further, Petitioner's TRA benefits could not be used to house her mother; rather, her mother was responsible for paying her share of the rent.

By way of comment, the record shows that Petitioner has received at least 12 months of EA benefits, not 66 months as stated in the Initial Decision. See Initial Decision at 2, 4; see also Exhibit R-1 at 49-52.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs.

Based on the foregoing discussion, the Initial Decision is REJECTED, and the Agency's action is AFFIRMED.

Signed Copy on File
at DFD, BARA

JUN 29 2015

Natasha Johnson
Director