



State of New Jersey

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 19134-15 S.G.

AGENCY DKT. NO. C240682 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of motel placement, and the imposition of a six-month period of ineligibility for EA benefits. 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, and imposed a six-month EA penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 3, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On December 4, 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 ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision, AFFIRM the Agency's determination, and REMAND the matter back to the Agency as outlined below.

In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve his emergent situation. See N.J.A.C. 10:90-6.6(a). Reasonable steps include, but are not limited to, the recipient participating in the creation of, and complying with, a written and signed SP. Ibid. If a recipient fails to comply with the SP, without good cause, then the recipient's EA benefits must be terminated for a period of six months. Ibid.

Here, the record shows that Petitioner was placed in a motel, and was required to find affordable housing within 30 days, under the terms of her SP. See Initial Decision at 2; see also Exhibit R-2. The record also shows that Petitioner was granted additional time to find affordable housing, but failed to do so. See Initial Decision at 3. Additionally, the record shows that the Agency located a potential apartment for Petitioner, but she failed to appear for her appointment with the landlord. *Ibid.*; see also Exhibit R-3. The ALJ found that Petitioner failed to find an affordable apartment, and failed to attend her scheduled appointment with the landlord, thereby violating the terms of her SP, without good cause. See Initial Decision at 4; see also Exhibit R-2. Accordingly, the ALJ concluded, and I agree, that the Agency properly terminated Petitioner's EA benefits, and properly imposed a six-month EA penalty. See Initial Decision at 4; see also N.J.A.C. 10:90-6.6(a).

However, the record shows that Petitioner has an open case with the Division of Child Protection & Permanency ("DCP&P"), f/k/a DYFS. See Exhibit R-2. Therefore, Petitioner may be eligible for EA benefits, even though she has been found to have caused her own housing emergency. 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 EA penalty will be imposed. A copy of the Initial and Final Decisions shall be forwarded to DCP&P.

Based upon the foregoing, I ADOPT 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 28 2015

Natasha Johnson
Director