



*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 10651-14 T.C.

AGENCY DKT. NO. GA87808 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of her Emergency Assistance ("EA") benefits in the form of housing. The Agency administratively terminated Petitioner's EA after Petitioner's prior EA appeal was dismissed as a result of Petitioner's failure to appear at the hearing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 28, 2014, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On August 28, 2014, the ALJ issued an Initial Decision reversing the Agency's termination. The ALJ found Petitioner to be eligible for further EA under the Housing Assistance Program ("HAP") pilot, so long as Petitioner was again determined to be eligible for Work First New Jersey/General Assistance ("WFNJ/GA") cash benefits at an intake appointment on September 4, 2014.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the Initial Decision and the record in this matter and hereby REJECT the ALJ's Initial Decision, and affirm the Agency's determination.

The record in this matter reflects that Petitioner was denied an EA extension under HAP on December 13, 2013. See Exhibit R-1. Petitioner then appealed that denial and a hearing was scheduled for February 14, 2014. See Initial Decision at 2.

Petitioner did not appear for the hearing and the appeal was dismissed. *Ibid.* Respondent did not immediately terminate Petitioner's EA as a result of the appeal, but did so on August 5, 2014. See *id.* at 2-3. Petitioner then appealed that administrative termination. See Initial Decision at 3. Thus, Petitioner has, in fact, been given a second appeal of the December 13, 2013 denial, which is impermissible. The fact that the administrative termination of Petitioner's EA took place some months later does not alter the fact that the termination is a result of the dismissal of Petitioner's earlier appeal. At this juncture, six months after the dismissal of Petitioner's prior appeal, Petitioner is out of time to have the appeal reopened. Accordingly, I am rejecting the Initial Decision based on this procedural issue.

By way of comment, I also disagree with the ALJ's finding that Petitioner would be presently eligible for EA under HAP. As a threshold matter, EA under HAP may only be extended to WFNJ and Supplemental Security Income ("SSI") recipients. See N.J.A.C. 10:90-6.10. The record shows that Petitioner's WFNJ/GA benefits were terminated when she did not present herself for a redetermination. See Initial Decision at 2, n. 1. Petitioner is not an SSI recipient, although she has an appeal pending. Therefore, at the present time, Petitioner is not eligible for EA under HAP.

Based upon the foregoing, the Initial Decision is hereby REJECTED and the Agency's determination is affirmed.

**SEP - 9 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director