



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 7451-14 T.S.

AGENCY DKT. NO. C247629 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of temporary rental assistance because she was non-compliant with her EA service plan by failing to pay her 30% share of the rent. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On June 30, 2014, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a hearing and took testimony. On July 25, 2014, the ALJ issued an Initial Decision. The ALJ found Petitioner failed to provide "evidence of any emergency situation or good cause for non-payment that prevented her from paying her portion of the rent." Thus, the ALJ concluded that Petitioner had breached her service plan and affirmed the Agency's termination of her EA benefits. Despite this, the ALJ also concluded that Petitioner was experiencing a hardship and ordered the Agency to defer the 6-month penalty imposed when a recipient fails to comply with their service plan.

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 record and the ALJ's Initial Decision, and I MODIFY the Initial Decision.

Here, I agree with the ALJ that Petitioner was non-compliant with her service plan because she failed to pay her 30% share of her monthly rent. See N.J.A.C. 10:90-6.5(a)(requiring EA recipients contribute 30% of their total household income towards payment of housing) and -6.6(a)(requiring EA recipient comply with their

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service plan and imposing 6-month penalty for non-compliance). However, I modify the ALJ's Initial Decision in order to rescind the deferral of Petitioner's 6-month penalty for causing her own homelessness. The regulations do not provide for a deferral or waiver of the 6-month penalty. Thus, the Agency shall impose the 6-month penalty as required by N.J.A.C. 10:90-6.6(a). If Petitioner has been receiving continued assistance pending this fair hearing, then Petitioner's 6-month penalty period should start upon conclusion of said assistance.

Relatedly, the Agency is reminded of its responsibility to deduct an EA recipient's contribution from the recipient's cash assistance. N.J.A.C. 10:90-6.5(a)1,2.

In addition, I briefly address the ALJ's findings that Petitioner is experiencing a hardship and is homeless. According to the Initial Decision, Petitioner currently resides with her boyfriend and his aunt. Therefore, I disagree with the ALJ's findings that Petitioner is homeless. Also, any hardship that Petitioner may be experiencing is due to her own failure to comply with her service plan and pay her 30% share of the rent. See also N.J.A.C. 10:90-6.1(c)3(imposing 6-month penalty when recipient causes her own homelessness without good cause for reasons including failure to comply with EA service plan).

By way of comment, the Agency shall refer Petitioner to any and all organizations that may assist with her current needs. Also, based on the ALJ's order, a copy of the Initial and Final Decisions shall be sent to the Division of Child Protection and Permanency.

Accordingly, the Initial Decision is MODIFIED.

Signed Copy on File
at DFD, BARA

SEP 12 2014

Jeanette Page-Hawkins
Director