



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director

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 4876-15 T.V.

AGENCY DKT. NO. V580271 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits because she was evicted from her shelter placement because she failed to comply with the shelter rules. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 17, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 17, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 and REVERSE the Agency's determination.

The purpose of the EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on the path to self-sufficiency. N.J.A.C. 10:90-6.1(a). In order to maintain eligibility for EA benefits, the recipient must take reasonable steps to resolve her emergent situation. 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 Service Plan ("SP"). Ibid.

N.J.A.C. 10:90-6.6(a)(1)(i) further states, "The [SP] shall include, as appropriate, but is not limited to: Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems." 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. N.J.A.C. 10:90-6.6(a).

However, in regard to shelter placement violations, N.J.A.C. 10:90-6.3(e),(f) and (g) state, "The recipient shall be eligible for continued EA for other violations, including, but not limited to those identified in (e)(1) below, that result in a termination from a facility. The caseworker shall evaluate the recipient's circumstances and make an appropriate placement. ... A second eviction will result in a loss of EA benefits for a period of six months, unless good cause has been determined."

In the instant case, Petitioner applied for and was awarded EA benefits and placed in a shelter. See Notification Form, dated February 3, 2015 at 2. Simultaneously, Petitioner executed the required SP wherein she agreed, among other things, to comply with shelter rules. See SP. Petitioner acknowledged that she agreed to and understood the terms of her SP by her signature. Ibid.

The record indicates that while at the shelter, Petitioner failed to comply with her SP because she was uncooperative, disrespectful, and called a staff member a derogatory name. See Exhibit Shelter Letter, dated February 11, 2015. Consequently, she was evicted from the shelter. Ibid. While the record is clear that Petitioner violated shelter rules which resulted in her termination from a shelter, *ibid.*, the record indicates that this was Petitioner's first Agency shelter placement. See Initial Decision at 3. Based upon the above-referenced authority, the Petitioner continues to be eligible for EA benefits.

Accordingly, I find that the Agency improperly terminated Petitioner's EA benefits, and that Petitioner remains eligible for EA benefits. Further, the Agency is to reevaluate Petitioner's circumstances to determine an appropriate housing placement, taking into account Petitioner's physical disability. See DFD Instruction 08-5-4 at 9-10. Finally, the Agency shall refer the Petitioner to any agencies or programs which may provide her support and/or assistance based upon her disability.

By way of comment, Petitioner is put on notice that any further violation of placement/shelter rules will result in not only termination of EA benefits, but also imposition of a six month period of ineligibility for EA benefits as outlined above.

By way of further comment, during the hearing the Agency indicated that the Petitioner had also failed to comply with the terms of her SP by failing to save money from her SSI grant for a security deposit on an affordable rooming house.

However, the Adverse Action notice provided by the Agency in reference to this matter did not indicate that the Petitioner's failure to save money towards a security deposit was the basis of terminating her EA. The Petitioner is reminded that she must comply with the terms of her SP which include saving money towards her security deposit. If Petitioner fails to comply with the terms of her SP, she will be ineligible for EA for a period of six months. N.J.A.C. 10:90-6.6.

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

MAY 6 - 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director