



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development

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Chris Christie
Governor

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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

REMAND DECISION

OAL DKT. NO. HPW 17514-15 T.W.

AGENCY DKT. NO. C139201 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency terminated Petitioner's EA benefits, and imposed a six-month EA penalty contending that Petitioner violated her EA service plan ("SP"), by failing to comply with the rules of her shelter placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 15, 2015, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 15, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on December 15, 2015.

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 MODIFY the ALJ's Initial Decision, REVERSE the Agency's determination, and REMAND the matter back to the Agency based on the discussion below.

Pursuant to N.J.A.C. 10:90-6.1(a)(1), EA shall be made available "[w]hen shelter costs equal or exceed total recorded income to the [Work First New Jersey ("WFNJ")] or [Supplemental Security Income ("SSI")] assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses"

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N.J.A.C. 10:90-6.3(e) provides, "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.... An adult EA recipient who incurs two or more terminations, for reasons that may include, but are not limited to [those identified in (e)(1)], will result in a loss of EA for a period of six months." See also DFD Instruction 08-5-4 at 10.

Here, the Agency contends that Petitioner failed to comply with the rules of her shelter placement, by not allowing the motel's cleaning service in to clean her room, and by keeping a cat in her room, and consequently, terminated her EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 2. However, the ALJ found that the Agency failed to provide evidence regarding Petitioner's refusal to allow the motel's cleaning service into her room, and the cat no longer resides with the household. See Initial Decision at 3. Accordingly, the ALJ found that the Agency improperly terminated Petitioner's EA benefits, on the aforementioned basis. Id. at 4. I concur. See N.J.A.C. 10:90-6.3(e).

Additionally, the ALJ ordered the Agency to provide Petitioner with EA benefits. See Initial Decision at 4. However, the record also shows that Petitioner has a monthly income of \$1,428.00 which must be considered by the Agency in determining Petitioner's eligibility for any continuing EA benefits. 10:90-6.1(a)(1). Therefore, I am remanding the matter back to Agency to reevaluate Petitioner for EA eligibility. I modify the Initial Decision to reflect this finding.

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

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is MODIFIED, the Agency's action is REVERSED, and the matter is REMANDED back to the Agency based on the discussion above.

Signed Copy on File

at DFD, BARA

JAN - 5 2016

Natasha Johnson
Director