State of New Jersey

ΓMENT OF HUMAN SERVICES
SION 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 2136-17 Q.M.

AGENCY DKT. NO. C647619 (ESSEX DIV OF FAMILY ASST. & BENEFITS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent. The Agency denied Petitioner EA benefits contending that she had the capacity to plan to avoid her emergency, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 16, 2017, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 16, 2017, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was promised employment beginning in September 2016, and notified the Agency of same. See Initial Decision at 2. However, prior to beginning her employment, Petitioner was advised of the necessity of surgery for a heart condition. Ibid. Petitioner was then admitted into the hospital for surgery on October 11, 2016. Ibid.; see also Exhibit P-1. Although Petitioner advised the Agency of her change in circumstance, the Agency's records erroneously documented that Petitioner was receiving income from employment for the months of October, November, and December, 2016. See Initial Decision at 2; see also Exhibit P-5. Further, Petitioner provided the Agency with documentation indicating that she applied for Unemployment Insurance Benefits ("UIB"), and the record reflects that Petitioner was ineligible for UIB benefits. See Initial Decision at 2; see also Exhibit P-4, and "NJDOL LOOPS." The Agency's records were ultimately corrected in January 2017. See Initial Decision at 2. Nevertheless, on February 2, 2017, the Agency denied Petitioner's application for EA benefits in the

form of back rent, contending that she had sufficient income from employment to pay her rent, but failed to do so, thereby causing her own imminent homelessness. See Initial Decision at 2-3; see also Exhibit P-3, and N.J.A.C. 10:90-6.1(c)(3). Additionally, based on those same mistaken facts, the Agency reduced Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits for the months of October, November, and December, 2016, from $322 to $61 each month. See Initial Decision at 2-3; see also "Check History." Petitioner is currently five months behind in her rent, and is facing eviction. See Initial Decision at 3; see also Exhibits P-2 and P-2A.

Based on the foregoing, the ALJ found that Petitioner is imminently homeless, and that she had presented documentation to the Agency, which evidences good cause for her failure to pay her rent. See Initial Decision at 3-4; see also Exhibits P-1, P-4, P-2, and P-2A. Further, the ALJ found that the record is devoid of any evidence that the Agency can rely upon to deny Petitioner EA benefits. See Initial Decision at 3-4. The ALJ concluded that Petitioner did not have the capacity to pay her rent when it came due, that she did not cause her own homelessness, and therefore, that she is eligible for EA benefits. Id. at 4; see also N.J.A.C. 10:90-6.1(c). Accordingly, the ALJ ordered the Agency to provide Petitioner with EA benefits in the form of back rent from September 2016 through February 17, 2017; and that Petitioner is to provide to the Agency updated proof from her landlord of the current amount of back rent owed. Id. at 4; see also N.J.A.C. 10:90-6.3(a)(5). Additionally, the ALJ ordered the Agency to provide Petitioner the amount of $261 in WFNJ/TANF benefits for the months of October, November, and December, 2016, the difference owed when said benefits were erroneously reduced. See Initial Decision at 2, 4; see also N.J.A.C. 10:90-3.3(b). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

FEB 2 7 2017

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director