



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Lt. Governor

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 09742-18 C.B.

AGENCY DKT. NO. C347759007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she has exhausted her lifetime limit of EA benefits, plus all applicable extensions, and that she had sufficient income to pay her rent to avoid homelessness, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 11, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide additional information, and the record then closed on July 12, 2018. On July 16, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

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 ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, AFFIRM Agency's determination, and REMAND the matter to the Agency based on the discussion below.

Here, the record reflects that Petitioner has received 46 months of EA benefits. See Initial Decision at 2, 4; see also Exhibit R-6. Therefore, ALJ found that Petitioner has exhausted her lifetime limit of EA benefits, and as such, that she is ineligible for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.4(a), (b), (c), (d). Further, the record reflects that Petitioner's rent is \$1,100 and that her monthly household income is \$991, plus a \$400 monthly contribution from her father toward the payment of her rent. See Initial Decision at 2; see also Exhibits R-7, R-8, and R-9. However, Petitioner failed to pay her rent, and is now facing eviction. See Initial Decision at 4; see also Exhibit R-2. The ALJ found that Petitioner had the ability to pay her rent, but failed to do so. See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 4; see also Exhibit R-5, and N.J.A.C. 10:90-6.1(c)(3)(v), -6.4(a), (b), (c), (d). I agree.

Further, because the record reflects that Petitioner is the victim of past family violence and alleges that she is still experiencing the impact of said family violence, the Agency is directed to refer Petitioner for a Family Violence Option ("FVO") risk assessment. See Initial Decision at 3; see also N.J.A.C. 10:90-20.1(a)(2), -20.8. Thereafter, Petitioner is advised that she may reapply for EA benefits, provided she continues to need said benefits, and is advised that eligibility for EA benefits is contingent upon the outcome of the FVO risk assessment. Accordingly, I am remanding the matter to the Agency to refer Petitioner for an FVO risk assessment, on an expedited basis.



By way of comment, as it appears from the record that Petitioner is not receiving Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, for which she may be eligible, Petitioner is advised to apply for such benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-1.1(a), -2.2.

By way of further comment, as the record indicates that the Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions shall be forwarded to DCP&P. See Initial Decision at 3.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is AFFIRMED, and the matter is REMANDED to the Agency based on the discussion above.

Officially approved final version.

JUL 25 2010

Natasha Johnson

Director

