



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 12327-18 M.W.

AGENCY DKT. NO. C027161008 (GLOUCESTER COUNTY DIV. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she abandoned permanent housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 31, 2018, the Honorable John S. Kennedy, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 4, 2018, the ALJ issued an Initial Decision, reversing 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 MODIFY the ALJ's Initial Decision and REVERSE the Agency's determination, as discussed below.

Here, the record reflects that Petitioner was residing at a permanent residential health care facility ("facility") until she was hospitalized on June 20, 2018. See Initial Decision at 2. After Petitioner was released from the hospital, she did not return to the facility, contending that the employees were abusive and that the facility was infested with bedbugs. *Ibid.*; see also Exhibit R-1 at 8. The facility left Petitioner's bed open for a month. *Ibid.* Although Petitioner did not present any evidence to substantiate her claim, the ALJ found that the Agency had failed to provide any evidence to the contrary. See Initial Decision at 3. Thereafter, Petitioner applied for EA benefits and was placed in immediate need shelter while her EA application was being processed. *Id.* at 2. However, Petitioner voluntarily left that housing, contending that the women there were abusing her. See Exhibit R-1 at 1-2, 9, and 10. Based on the foregoing, the Agency denied EA benefits to Petitioner, and imposed a six-month EA ineligibility, on the basis that Petitioner abandoned permanent housing. See Initial Decision at 2; see also Exhibit R-1 at 7, and N.J.A.C. 10:90-6.1(c)(3)(vii). The ALJ concluded that Petitioner had good cause for abandoning the facility in June 2018, and therefore, that she is eligible for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3).



Although I agree with the ALJ's ultimate conclusion that Petitioner is eligible for EA benefits, I find that the ALJ's analysis of the facts is misplaced. See Initial Decision at 3-4. Specifically, Petitioner's loss of a prior apartment in January 2018, due to a hospitalization, was not the basis for the Agency's denial. Id. at 3-4. Rather, I find that the Agency based its denial of EA benefits on Petitioner's abandonment of her facility housing, and it is not clear from the record that Petitioner indeed had good cause for doing so. Id. at 2-3. Nevertheless, because Petitioner has a HUD housing voucher, has located permanent affordable housing, and is only seeking a security deposit, I find that in the interest of moving Petitioner toward self-sufficiency, that she is eligible for EA benefits in the form of a security deposit only. Id. at 2-3, 4; see also N.J.A.C. 10:90-1.1(e), -6.1(a). The Initial Decision is modified to reflect this finding.

By way of comment, should Petitioner needs further EA benefits, she must reapply for same.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is REVERSED, as discussed above.

Officially approved final version.

SEP 06 2018,

Natasha Johnson

Director

