



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 15321-18 T.T.

AGENCY DKT. NO. C416258016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner an extension of EA benefits because she had voluntarily moved to another county. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 25, 2018, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 29, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reflects that Petitioner had exhausted her 12-month lifetime limit of EA benefits, and her EA benefits were terminated by notice dated June 6, 2018. See Initial Decision at 2; see also Exhibit R-1 at 4, and N.J.A.C. 10:90-6.4(a). Thereafter, Petitioner was given an appointment for July 19, 2018, to go into the Agency to complete an application for an extension of EA benefits. See Initial Decision at 2. Petitioner failed to appear at that appointment. *Ibid.* The record indicates that Petitioner did not appear for that appointment because she had been the victim of domestic violence, and that, on or about August 25, 2018, the Division of Child Protection and Permanency ("DCPP") relocated Petitioner to another county. *Ibid.*; see also Exhibits P-1 at 1, 6-12, R-1 at 8-28. Neither Petitioner, nor DCPP, advised the Agency of Petitioner's move and as a result, Petitioner's Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits case remained open, and her WFNJ/TANF and EA benefits case files were not transferred to Petitioner's new county agency. See Initial Decision at 2-3. Consequently, Petitioner was unable to be granted WFNJ/TANF and EA benefits in her new county of residence. *Id.* at 2. On October 4, 2018, Petitioner went into the Agency to apply for an extension of EA benefits, and it was at this time that Petitioner first advised the Agency that she had moved. *Id.* at 2-3; see also Exhibit R-1 at 5-6. As Petitioner was now a resident of another county, on that same date, the Agency denied Petitioner's application for an extension of EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 29, and N.J.A.C. 10:90-6.8. The Agency then advised Petitioner that it would transfer her WFNJ/TANF and EA benefits file to the new county agency, but as of the date of the hearing, it appeared that the Agency had not yet done so. See Initial Decision at 2-3. Petitioner is now facing eviction due to nonpayment of rent. *Id.* at 3; see also Exhibit R-1 at 3-5.

Based on the foregoing, the ALJ found that the Agency had properly terminated Petitioner's EA benefits, on the basis that she had exhausted her 12-month lifetime limit of EA benefits, and had properly denied Petitioner's application for an extension of EA benefits, on the basis that she was no longer a resident of that county. See Initial Decision at 4; see also Exhibit R-1 at 4, 29, and N.J.A.C. 10:90-6.4(a), -6.8(a)(2). Further, the ALJ found that DCPP's failure to inform the Agency of Petitioner's move impeded her access to benefits in her new county of residence. See Initial Decision at 4. The ALJ directed Petitioner's current county agency to provide Petitioner with EA benefits, to immediately pay her back rent



for the month of October 2018, and to immediately provide her with any loss of WFNJ/TANF benefits that she may have incurred. Ibid. 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.

Additionally, I direct the Agency to immediately close Petitioner's WFNJ/TANF benefits case, and to transfer her WFNJ/TANF and EA benefits files to her new county of residence, on an expedited basis, if it has not done so already.

By way of comment, as the record indicates that Petitioner has an open case with DCPD, a copy of the Initial and Final Decisions shall be forwarded to DCPD, as well as to Petitioner's current county of residence.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

NOV 02 2018

Natasha Johnson
Director

