



State of New Jersey

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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 07546-19 D.W.

AGENCY DKT. NO. C497825007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the correctness of the Respondent Agency's determination that Petitioner is not a candidate for domestic violence ("DV") placement through the Family Violence Option ("FVO") Initiative. The Agency determined that Petitioner did not qualify for FVO placement because her DV risk assessment determined that she was at Low/No Risk of safety issues due to current DV. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 6, 2019, the Honorable Susana Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On June 7, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, Petitioner is not challenging the Agency's determination that she is not a candidate for shelter placement through the FVO Initiative, but rather is simply challenging the outcome of her DV risk assessment because she wants to be identified as a "domestic violence" client, not as a "homeless" or "low risk of safety" client. See Initial Decision at 2-3; see also Exhibits R-1, R-2. The record also reflects that Petitioner is currently residing in a DV shelter where she feels happy and safe, that she is not at risk of imminent or actual homelessness, and that her EA benefits are not being terminated. See Initial Decision at 2-3. Based on Petitioner's testimony and disposition at the hearing, the ALJ concluded that there is currently no imminent threat to the health and safety of Petitioner, such that emergent relief is required. *Id.* at 3-4; see also N.J.A.C. 10:90-9.17. The ALJ also concluded that Petitioner had not provided any evidence to rebut the Agency's DV risk assessment of Low/No Risk. Moreover, Petitioner is a Supplemental Security Income benefits recipient and, as such, she is not eligible for FVO services, as those services are only available to Work First New Jersey benefits recipients. *Id.* at 4; see also N.J.A.C. 10:90-20.1(a). Based on the foregoing, the ALJ concluded that the Agency's May 14, 2019, determination was proper and must stand. See Initial Decision at 4; see also Exhibit R-2. 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.



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

Officially approved final version.

JUN 13 2019

Natasha Johnson

Director

