



State of New Jersey

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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 00534-19 J.M.

AGENCY DKT. NO. C015336010 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits and denial of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits due to excess income, and denied Petitioner EA benefits, because she had failed to provide a copy of her lease. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 29, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 19, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on February 26, 2019.

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 AFFIRM the Agency's determination, as discussed below.

Here, the record reflects that on September 19, 2018, Petitioner was approved for EA benefits in the form of a security deposit and first month's rent. See Initial Decision at 2; see also Exhibit P-1 at 19. Petitioner was required to provide the Agency with a copy of her apartment lease in order to receive further EA benefits. See Initial Decision at 2. However, Petitioner failed to provide said lease, and continued EA benefits were then denied to her on October 10, 2018. *Ibid.*; see also Exhibit P-1 at 47-51, and N.J.A.C. 10:90-6.1(c). Thereafter, Petitioner provided a copy of her lease to the Agency, and the Agency rescinded its October 10, 2018, denial. See Initial Decision at 2. Nevertheless, by that time, Petitioner had voluntarily vacated that apartment, claiming it was infested with mold, making her and her daughter ill, and that she did not get along with her landlord. *Id.* at 3; see also Exhibits R-2 through R-8, R-11. Consequently, Petitioner again applied for EA benefits in the form of a security deposit, first month's rent, and prospective temporary rental assistance for a new apartment. See Initial Decision at 2; see also Exhibit P-1 at 34-38. The Agency denied Petitioner EA benefits for that new



apartment because she had failed to provide documentation evidencing that her former landlord was given sufficient time to address the claimed mold issue, and because Petitioner had household income that was not accounted for. See Initial Decision at 2; see also Exhibits R-1, R-10, R-12, R-18. The ALJ agreed with the Agency's determination, finding that Petitioner had voluntarily vacated her apartment without a valid reason for doing so, and further found that she had failed to provide documentation regarding a significant number of expenditures related to the deposits in her checking account, thus warranting the termination of Petitioner's WFNJ/TANF benefits. See Initial Decision at 3-4; see also Exhibit P-1 at 47-51, and N.J.A.C. 10:90-3.3(b), -6.1(c). I agree.

Also, because Petitioner voluntarily abandoned permanent housing, I find that she has caused her own housing emergency, without good cause, and I hereby impose upon her a six-month period of ineligibility for EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-6.1(c)(3). Petitioner's six-month EA ineligibility penalty shall begin to run from October 10, 2018, the date of the Agency's denial, through April 9, 2019. The Initial Decision is modified to reflect this finding, and to clarify that the issues discussed, and ruled on, by the ALJ concerned both the Agency's termination of WFNJ/TANF benefits, and a denial of EA benefits to Petitioner, rather than a denial of WFNJ/TANF benefits as mistakenly stated in the Initial Decision. See Initial Decision at 4.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed the Exceptions submitted on behalf of Petitioner, and I find that the arguments made therein do not alter my decision in this matter.

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

Officially approved final version.

Natasha Johnson
Director

MAR 28 2019

