



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 12357-19 K.S.

AGENCY DKT. NO. C071849015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"), benefits. The Agency denied Petitioner EA benefits, contending that she had the capacity to plan to avoid homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 11, 2019, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 12, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the record reveals that Petitioner received Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits for her two grandchildren as a non-needy caregiver. See Initial Decision at 2; see also Exhibit J-1 and N.J.A.C. 10:90-2.8(a)(1). On September 5, 2019, Petitioner applied for EA benefits, and informed the Agency that she had been residing with a friend for seven months and had voluntarily vacated the premises without a plan for housing. See Initial Decision at 2; see also Exhibit R-2. Petitioner told the Agency that she was leaving her housing situation because her friend had been using drugs in front of Petitioner's grandchildren. See Initial Decision at 2-3. The Agency denied Petitioner's application for EA benefits, finding that because Petitioner had known within the first month of living with her friend that her friend was using drugs, and had given her friend one month's notice before vacating the premises, that she had time to come up with a new plan for housing, and time to ask the Agency for help with her transition. *Id.* at 3; see also Exhibit R-1. Petitioner, however, testified that she did not know that her friend was using drugs until the end of her stay, and acknowledged that she had not made a plan for housing prior to leaving. See Initial Decision at 3. The ALJ found that Petitioner's living arrangement with her friend from February of 2019, until August of 2019, was affordable, and that Petitioner vacated without a plan. *Ibid.* The ALJ further found that, regardless of when Petitioner knew of her friend's drug use, once Petitioner decided to leave her housing situation, she gave her friend a one month notice of such and did not make alternate housing plans. *Id.* at 3-4; see also N.J.A.C. 10:90-6.1(c)(1)(i). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development ("DFD"), 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.

By way of comment, the transmittal in this matter indicates that Petitioner also appealed a denial of Work First New Jersey Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. However, at the time of the hearing, the parties



agreed, and the ALJ found, that there was no denial of WFNJ/TANF benefits. See Initial Decision at 2; see also Exhibit J-1. Therefore, as the WFNJ/TANF issue is now moot, it is not addressed in this Final Decision.

By way of further comment, as the record indicates that Petitioner is the recipient of Retirement, Survivors and Disability Insurance ("RSDI"), Petitioner is advised that she is ineligible for EA benefits because she herself is not a Work First New Jersey ("WFNJ") benefits recipient, nor a Supplemental Security Income ("SSI") recipient. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2(a). However, Petitioner's grandchildren may be eligible for EA benefits due to their receipt of WFNJ/TANF benefits, and as such, Petitioner may reapply for EA benefits on behalf of her grandchildren. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(e), and DFD Instruction ("DFDI") 08-05-04 at 13 (stating that, "While it is recognized that a non-needy parent-person will benefit from the EA provided by the agency on behalf of the eligible child, it is the child who is eligible for the WFNJ benefits and, as such, EA shall be made available on behalf of the child when there is a need in accordance with N.J.A.C. 10:90-6.1."). Petitioner is further advised that as a non-member of the WFNJ/TANF assistance unit she will be responsible for her portion of the rent, should EA benefits be granted on behalf of her grandchildren. See DFDI 08-05-04 at 10-11; see also N.J.A.C. 10:90-2.8(a)(1).

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

Officially approved final version.

SEP 18 2019

Natasha Johnson
Director

