



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 12261-19 V.T.

AGENCY DKT. NO. C087089015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's sanctioning of her Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and the denial of Emergency Assistance ("EA") benefits. The Agency sanctioned Petitioner's WFNJ/GA benefits for failure to comply with the required WFNJ work activity, and denied Petitioner EA benefits, contending that her emergent situation was not beyond her control and that she had the capacity to plan to avoid her emergency, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for September 10, 2019, before the Honorable Edward J. Delanoy, Jr., but was adjourned at the request of Petitioner and rescheduled for September 16, 2019. On September 16, 2019, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 17, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on September 18, 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 ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that Petitioner had been receiving housing assistance through the New Jersey Department of Community Affairs Sandy Tenant-Based Rental Assistance Program ("TBRA") from May 1, 2017, through May 1, 2019. See Initial Decision at 2; see also Exhibits R-5, R-7. Petitioner had secured an apartment with a monthly rent of \$1,600, of which TBRA paid \$1,559. See Initial Decision at 2; see also Exhibit R-5. When Petitioner's TBRA benefits ran out in May 2019, Petitioner stopped paying her rent, which resulted in her eviction from her apartment in September 2019. See Initial Decision at 4; see also Exhibit R-3. The record reflects that Petitioner acknowledged that she was aware of the fact that her TBRA benefits were time limited, and that she reported to the Agency that it was her plan to apply for EA benefits when her TBRA benefits ended. See Initial Decision at 3; see also Exhibit R-2. The ALJ found that Petitioner was aware of the temporary nature of her TBRA benefits, yet during the 24 months that she had been receiving TBRA benefits, she failed to formulate a plan to transition to



affordable housing once those benefits ran out. See Initial Decision at 7. Moreover, the record indicates that housing counseling services were available to Petitioner through the Affordable Housing Alliance in Ocean County, which offered continued housing search services to TBRA clients, yet it appears that Petitioner failed to avail herself of those services. Id. at 8; see also Exhibits R-6, R-7. Petitioner claimed that certain medical conditions inhibited her capacity to plan for her impending homelessness. See Initial Decision at 8; see also Exhibits P-1 through P-4. However, the ALJ found that the medical records presented by Petitioner only explained Petitioner's lack of a capacity to plan from March 2019, through the present, and as such, she had not offered a viable explanation for her failure to plan for alternate housing during the two-year period that she had been receiving TBRA benefits. Ibid. Further, the ALJ found that the March 2019, onset of Petitioner's inability to plan for her impending homelessness was due to her failure to attend her Substance Abuse Initiative/Behavioral Health Initiative ("SAI/BHI") referred treatment programs. See Initial Decision at 8; see also Exhibits R-10, R-11. Based on the testimony and documentary record presented, the ALJ concluded that Petitioner had not demonstrated a functional incapacity that would prevent her from planning or securing substitute housing, and that she failed to take reasonable steps to resolve her emergent situation. See Initial Decision at 9. Accordingly, the ALJ further concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. Ibid.; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). I agree.

The ALJ further ordered that the Agency have Petitioner reevaluated by a mental health professional pursuant to N.J.A.C. 10:90-6.1(c)(1)(iii)(2). See Initial Decision at 9. I also agree, but note that the record reflects that the Agency had already scheduled Petitioner for SAI/BHI services on September 19, 2019, in an effort to address her mental health issues. See Initial Decision at 5, 9; see also Exhibit P-1. If Petitioner did not keep that appointment, I direct that the Agency shall rescheduled Petitioner for SAI/BHI services.

By way of comment, the transmittal in this matter indicates that Petitioner appealed a sanction of WFNJ/GA benefits. However, the Initial Decision reflects that, upon receipt of Petitioner's MED-1 form, the Agency rescinded Petitioner's WFNJ/GA sanction, effective September 1, 2019. See Initial Decision at 4; see also Exhibit P-5. Therefore, the sanctioning of Petitioner's WFNJ/GA benefits is now moot, and not addressed in this Final Decision.

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

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

Officially approved final version.

Natasha Johnson
Director

SEP 24 2019

