



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 745-16 C.G.

AGENCY DKT. NO. C233853 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because it determined that she had caused her own homelessness, without good cause. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 15, 2016, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On January 19, 2016, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, applied for EA benefits. See Initial Decision at 2. The record also shows that the Agency denied Petitioner EA benefits because it determined that she had caused her own homelessness, without good cause, when she allegedly failed to provide requested documentation, presumably listed on her EA Notice. *Id.* at 3; see also Exhibits R-1 and R-4. Additionally, the record shows that Petitioner is currently subject to an impending eviction. See Initial Decision at 5. The ALJ found that the requested documentation at issue, more specifically, Petitioner's employment verification, was not listed on the EA Notice as one of the required documents to be provided to the Agency. *Id.* at 4; see also Exhibit R-4. Accordingly, the ALJ concluded, and I agree, that the Agency improperly denied Petitioner EA benefits, and ordered the Agency to provide Petitioner with the most appropriate form of EA to address the her needs. See Initial Decision at 5. I agree.

No Exceptions to the Initial Decision were filed.

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 in this matter.

By way of comment, although it is not clear from the record whether Petitioner is seeking retroactive rent, Petitioner is reminded that she is not eligible for EA benefits for the two months that she was not a WFNJ/TANF benefits recipient (October and November, 2015), as only WFNJ benefits recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.2.

By way of further comment, because Petitioner's EA service plan indicates that she is a victim of domestic violence, if it has not done so already, the Agency shall refer her for a Family Violence Option risk assessment in accordance with N.J.A.C. 10:90-20.1 et seq.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency's determination is REVERSED.

JAN 29 2016

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director