



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 406-16 M.S.

AGENCY DKT. NO. GA578096 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits in the form of shelter placement. The Agency denied Petitioner's application because it contended that Petitioner had the capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 12, 2016, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 13, 2016, the ALJ issued her Initial Decision reversing the Agency determination.

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 record for this matter and the Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit "is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). The lack of a realistic capacity to plan is defined as "insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction...or loss of prior permanent housing." See N.J.A.C. 10:90-6.1(c)(1)(i).

The record reveals that Petitioner is a WFNJ/General Assistance ("WFNJ/GA") recipient who has exhausted five units of EA to date. See Initial Decision at 2; see also Exhibit R-1. Since November 24, 2015, Petitioner has resided at a women's shelter, at which she engages in an Intensive Outpatient Program three days per week that includes group therapy sessions, and also receives medication for various health issues. See Initial Decision at 2-3; see also Exhibits P-1 and P-2.

Previously, Petitioner resided at a different women's shelter, but was "administratively discharged" from that shelter on November 4, 2015, for not being sufficiently involved in verbal dialogue during group sessions. See Initial Decision at 3; see also Exhibit R-7. Petitioner testified that her various health issues at the time prevented her from communicating to the extent required by that shelter. See Initial Decision at 3. Thereafter, Petitioner stayed with her parents temporarily, during which time Petitioner also spent seven days in jail for failing to appear in municipal court for a traffic violation. See Initial Decision at 2; see also Exhibit R-10. However, Petitioner's parents are unable to provide her with permanent housing because her name is not on their lease. See Initial Decision at 3; see also Exhibits R-5 and R-6.

By letter dated December 1, 2015, the shelter in which Petitioner currently lives advised the Agency that Petitioner requires a housing voucher in order to continue residing there. See Initial Decision at 2; see also Exhibit R-2. On December 3, 2015, Petitioner applied to the Agency for EA in the form of a shelter voucher. See Initial Decision at 2; see also Exhibit R-3. On December 13, 2015, the Agency denied Petitioner's application because it contends that she had a realistic capacity to plan for long-term housing while she was at the first shelter, and while she was living at her parents' house and going back and forth from jail. See Initial Decision at 2; see also Exhibit R-9.

In her Initial Decision, the ALJ found that, based on the facts herein, Petitioner lacked the realistic capacity to plan for her current housing emergency, and is in imminent danger of losing shelter at the Intensive Outpatient Program that she has been successfully attending. See Initial Decision at 3-4; see also Exhibits P-1 and P-2. Therefore, the ALJ concluded, and I concur, that the Agency's denial of EA to Petitioner was improper and should be reversed.

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

JAN 29 2016

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director