



State of New Jersey

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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 18019-17 C.C.

AGENCY DKT. NO. C611441007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA") for back rent, and furniture voucher. The Agency denied Petitioner EA benefits contending that she had the funds and the capacity to plan to prevent her homelessness, and denied her a furniture voucher because she sold her furniture. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 9, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 11, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner's minor child received a Supplemental Security Income ("SSI") lump sum payment in the amount of \$2,298 on December 2, 2017. See Initial Decision at 3; see also Exhibit R-4. Based on receipt of that lump sum payment, the Agency determined that Petitioner had sufficient funds to pay her back rent, and as such, the Agency denied Petitioner EA benefits. See Initial Decision at 3-4; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c)(3)(v). However, that lump sum was required to be deposited into a "Dedicated Account," on behalf of the minor child, and said funds could only be used to prevent the child from becoming homeless upon prior approval from the Social Security Administration ("SSA"). See Initial Decision at 3; see also Exhibit P-2. Petitioner testified that she contacted the SSA to obtain approval to use those funds to pay the past due rent, but was advised that there must first be a "Warrant of Removal" before those funds could be approved. See Initial Decision at 3. Currently, only a "Landlord/Tenant Summons" has been filed, with a filing date of November 11, 2017. See Initial Decision at 3; see also Exhibit P-4. Of note, the record indicates that Petitioner is now five months behind in her rent, in the amount of \$5,000, such that payment of the \$2,298 lump sum toward the back rent would not serve to avoid eviction. See Exhibit P-4. Also, the record reflects that Petitioner fell behind in her rent, through no fault of her own, because the father of her children abandoned the household. See Initial Decision at 2. Further, the ALJ found that Petitioner sold her furniture for \$800, and paid a portion of her back rent with those funds in an attempt to avoid eviction. Ibid. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits in the form of TRA and furniture voucher was improper and must be reversed. See Initial Decision at 4-5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c), -6.3(a)(5). I agree.

Exceptions to the Initial Decision were filed by the Agency on January 12, 2018.

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.



By way of comment, I have reviewed the Agency'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 REVERSED.

Officially approved final version.

JAN 25 2012

Natasha Johnson

Director

