



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

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 2252-15 A.D.

AGENCY DKT. NO. V668941 (HUNTERDON COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's retroactive imposition of a six-month penalty for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA") for the period of August 2010 through February 2011. Petitioner further appeals the Agency's demand that she reimburse the Agency for the EA/TRA benefits paid on Petitioner's behalf on the basis she was ineligible for such benefits at the time, as the Agency alleges that the six-month penalty was mistakenly not applied from August 2010 through February 2011. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 24, 2015, the Honorable Susan M. Scarola, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On March 30, 2015, the ALJ issued her Initial Decision, reversing the Agency's determination. The ALJ noted that during an October 2014 State audit that was conducted in order to determine how Petitioner became homeless, the auditor was not able to locate Petitioner's EA application in the file and therefore determined that a six-month penalty should have been imposed on Petitioner. See Initial Decision at 3. Thereafter, the Agency demanded Petitioner reimburse it in the amount of \$5,580 representing the EA paid from August 2010 thru February 2011 on behalf of Petitioner. See Initial Decision at 3; Exhibit R-1 at 1, 12 and 13. The ALJ found, based on credible evidence, including the testimony of the Agency's representatives, that the EA application that was not seen by the State's auditor was not in the Petitioner's case file because it had been transferred multiple times, but apparently not in its entirety. See Initial Decision at 3, 5.

The record shows that Petitioner's EA/TRA application was timely submitted and approved by the Agency and part of Petitioner's file, but it was not available at the time of the State audit. See Initial Decision at 5; Exhibit P-1 at 1-5. Based upon the foregoing, the ALJ concluded, and I concur, that the Agency is not "entitled to impose a six-month penalty on the petitioner from August 2010 to February 2011 or is [it] otherwise entitled to recoup the rent paid on her behalf during that period in the amount of \$5,580." See Initial Decision at 6.

Exceptions to the Initial Decision were received from the Agency on May 11, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter, including the Agency's exceptions, and the ALJ's Initial Decision and I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusion of Law in this matter.

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

MAY 18 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director