



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
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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

REMAND DECISION

OAL DKT. NO. HPW 11521-15 E.W.

AGENCY DKT. NO. GA205540 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's Work First New Jersey/General Assistance ("WFNJ/GA") and Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA and EA benefits for allegedly failing to provide information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2015, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 12, 2015, the ALJ issued an Initial Decision reversing the Agency's determination.

No exceptions to the Initial Decision were filed by either party.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision and hereby MODIFY the Initial Decision of the ALJ, REVERSE the Agency's determination, and REMAND to the Agency as discussed below.

An applicant/recipient, as a condition of eligibility for WFNJ/GA benefits, shall, among other things, provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5).

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency.

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When a WFNJ/GA recipient qualifies for EA benefits, the "county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). Such emergency housing includes placement in a shelter. Ibid.

In the instant matter, Petitioner applied for WFNJ/GA and EA benefits in May of 2015, after living in his vehicle and subsequently, his mother's senior housing. See Initial Decision at 2. Although Petitioner was denied benefits on July 14, 2015, for failure to provide information to the Agency, both parties agree Petitioner is entitled to WFNJ/GA cash assistance and EA as of the date of his completion of the 28-day work requirement, June 10, 2015. Ibid; see also Exhibit P-2. To that point, Petitioner was given EA in the form of a shelter placement for part of May, as well as June and July. See Initial Decision at 2. Furthermore, the Agency admits it does not know what information was requested that was not provided by Petitioner, if it was, in fact, requested at all. See Initial Decision at 2-3.

The ALJ concluded that Petitioner is immediately entitled to WFNJ/GA benefits and EA benefits in the form of Temporary Rental Assistance ("TRA"). See Initial Decision at 4. Although I agree in part, I decline to adopt the ALJ's conclusion that Petitioner is necessarily entitled to TRA at this time. As outlined above, the Agency determines whether Petitioner is entitled to TRA or an alternative form of EA, such as a shelter placement. Although TRA is the preferred form of EA, and it does appear from the record that the apartment located by Petitioner is affordable, see Initial Decision at 3, the Agency should have a chance to review and approve said apartment. Therefore, I am remanding this matter to the Agency to address Petitioner's immediate housing needs and determine the most appropriate form of EA.

Accordingly, the Initial Decision in this matter is MODIFIED, the Agency decision is REVERSED, and the matter REMANDED to the Agency as outlined above.

Signed Copy on File

at DFD, BARA

AUG 21 2015

Natasha Johnson
Director