



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 19116-15 L.M.

AGENCY DKT. NO. C141408 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of an extension of EA benefits and termination of her ("EA") benefits. The Agency denied Petitioner an extension of EA benefits and terminated Petitioner's EA benefits contending that she had sufficient benefits to secure affordable housing, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 7, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 8, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I REJECT the ALJ's Initial Decision and AFFIRM the Agency's determination.

Pursuant to N.J.A.C. 10:90-3.11(e), "[Work First New Jersey ("WFNJ")] assistance units shall be required to report any change in unearned income and circumstances that could affect eligibility and the benefit amount as soon as possible to the county or municipal agency, but in no event later than 10 calendar days of the date the change happened or in the case of no earnings no later than 10 days from the date of receipt of the first paycheck."

N.J.A.C. 10:90-6.1(c)(3) states, in pertinent part, "EA benefits shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, (c)(3)(i) through (ix) below ... (v) [When an applicant/recipient] had the available funds and the capacity to plan to prevent homelessness"

EA benefits are "available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7).

Here, the record shows that Petitioner is a WFNJ/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, who has received 13 months of EA benefits. See Initial Decision at 2; see also Exhibit R-3. Additionally, the record shows that Petitioner received a total of \$2,214 in WFNJ/TANF benefits, as well as a total of \$4,810 in Unemployment Insurance Benefits ("UIB") between the months of August 2015, and November 2015, failed to report this income to the Agency, and failed to account for how that money was spent. See Initial Decision at 4. During this period, Petitioner received WFNJ/TANF benefits and EA benefits, in the form of shelter placement, that she was not eligible for. *Id.* at 3; see also N.J.A.C. 10:90-6.2 (stating that only WFNJ cash assistance recipients and Supplemental Security Income ("SSI") recipients are eligible for EA benefits). As a result, the Agency is recouping the WFNJ/TANF benefits Petitioner was not eligible for during that time, and terminated her EA benefits. *Id.* at 3. The Agency terminated Petitioner's EA benefits because she had sufficient income to secure affordable housing, but failed to do so, thereby causing her own homelessness. *Id.* at 2. See N.J.A.C. 10:90-6.1(c)(3)(v). I agree, and I also find that Petitioner is ineligible for EA benefits for a period of six months, effective November 19, 2015. See N.J.A.C. 10:90-6.1(c)(3).

However, the ALJ found that because Petitioner left her home in Pennsylvania and moved to New Jersey, albeit without a plan for self-sufficiency, that because she moved due to domestic violence, she is eligible for EA benefits. See Initial Decision at 2; see also N.J.A.C. 10:90-6.1(c)(7). However, the ALJ's finding is misplaced. The Agency did not deny Petitioner an extension of EA benefits because she moved to New Jersey without a plan, but rather because she had sufficient income to secure affordable housing, but failed to do so, and failed to report her UIB income. See Exhibit R-1 at 2. Therefore, N.J.A.C. 10:90-6.1(c)(7) is not controlling here. Further, Petitioner's Family Violence Option Risk Assessment Report, does not indicate that she will be at risk of further domestic violence if she is subject to EA time limits. See Exhibit R-4.

By way of comment, the Agency shall refer the Petitioner to any agencies or resources which may assist her with her housing needs.

Accordingly, the Initial Decision is REJECTED and the Agency's action is AFFIRMED.

DEC 29 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director