



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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

FINAL DECISION

OAL DKT. NO. HPW 5022-15 P.D.

AGENCY DKT. NO. V628664 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of shelter assistance and imposition of a six-month period of EA ineligibility. The Agency denied Petitioner EA benefits because she allegedly exhausted all the EA available to her, failed to establish homelessness or imminent homelessness, and because she failed to plan thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 15, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held an emergent plenary hearing, took testimony and admitted documents into evidence. On the same day, the ALJ issued an Emergent Initial Decision reversing the Agency's determination.

No Exceptions were filed to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the Initial Decision and hereby ADOPT the Initial Decision of the ALJ and REVERSE the Agency determination.

The record for this matter shows that Petitioner is a Supplemental Security Income ("SSI") recipient who is imminently homeless. See Initial Decision at 3. While the Agency denied Petitioner's application for EA on the basis that Petitioner had exceeded all EA extensions available to her, the record clearly shows that Petitioner has only received three months of EA since the inception of the Housing Assistance

Program ("HAP") pilot in 2012, which provides an extension of EA for up to 24 months for eligible SSI recipients. N.J.A.C. 10:90-6.10. Exhibit R-1 at 5. Thus it would appear that Petitioner has additional EA available to her under HAP. Moreover, I note that the ALJ opined, and I agree, that the Agency had presented no evidence to support any of the other reasons it stated as the bases for denying Petitioner's EA application. *Ibid.* As such, I agree with the ALJ that the Agency improperly denied the Petitioner's request for EA.

As the record indicates that the Petitioner testified that she suffers from substance abuse issues and is a victim of domestic violence, and it is unclear whether the Agency considered these issues prior to making a determination on Petitioner's EA application, the Agency shall refer the Petitioner for a Substance Abuse Initiative/Behavior Health Initiative ("SAI/BHI") evaluation. Additionally, if it has not done so already, the Agency shall refer the Petitioner for a Family Violence Option ("FVO") risk assessment, N.J.A.C. 10:90-20.1 et seq.

The Agency and Petitioner shall develop an appropriate EA service plan ("SP") which shall make the receipt of EA contingent upon the Petitioner's compliance with the referral(s) to SAI/BHI and the FVO risk assessment as well as the results of the assessment(s), as appropriate. The Petitioner is reminded of her obligation to comply with the terms of the SP. Her failure to do so, without good cause, shall result in a six-month EA penalty. N.J.A.C. 10:90-6.6.

Finally, the parties are reminded that the Agency shall determine the most appropriate form of EA "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). The Petitioner is advised that should she refuse the EA placement offered by the Agency without good cause, she will have caused her own homelessness and thus be ineligible for EA for a period of six months. See N.J.A.C. 10:90-6.1(c)(3).

Accordingly, the Initial Decision is ADOPTED and the Agency determination is REVERSED.

MAY 12 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Director