



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625
(609) 588-2400

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

REMAND DECISION

OAL DKT. NO. HPW 12441-15 T.G.

AGENCY DKT. NO. GA576981 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of his application for Work First New Jersey/General Assistance ("WFNJ/GA") benefits, as well as the denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner WFNJ/GA benefits because he failed to comply with WFNJ/GA eligibility requirements, and denied him EA, and imposed a six-month period of EA ineligibility upon him, because he caused his own homelessness and had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 21, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On September 25, 2015, the ALJ issued his Initial Decision reversing in part and affirming in part the Agency determination.

Exceptions to the Initial Decision were filed by Petitioner on October 26, 2015.

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 hereby REJECT the Initial Decision as to Petitioner's WFNJ/GA eligibility and REVERSE and REMAND the Agency's determination on that issue, and hereby ADOPT the ALJ's conclusion as to EA benefits and AFFIRM the Agency's determination regarding same.

Eligibility for WFNJ/GA cash assistance benefits shall commence after the applicant has completed a minimum of 28 days in an employment-related activity through Labor and Workforce Development. N.J.A.C. 10:90-2.2(a)(2). An applicant's failure

Page 2

to comply with the employment-related activity requirements, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. N.J.A.C. 10:90-1.2(f)(8). However, applicants who are unable to engage in regular work activities because of chronic illness, infirmity, or a physical/mental disability that is expected to last for more than 12 months may receive a deferral from the mandatory work requirement. See N.J.A.C. 10:90-4.10(a)(2). Such inability to engage in employment must be documented through the submission of a Med-1 form, which will then be reviewed by the Agency to approve or deny the applicant's deferral. *Ibid.*

EA is a supportive service available to Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients when the assistance unit "is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." See N.J.A.C. 10:90-6.1(c). The assistance unit shall be ineligible for EA for a six-month period when the adult applicant caused their own homelessness without good cause. See N.J.A.C. 10:90-6.1(c)(3).

Here, Petitioner applied for WFNJ/GA benefits on June 18, 2015, and his application was denied because the Agency contended that Petitioner failed to meet the eligibility requirements. See Initial Decision at 2; see also Exhibit P-6. At the time of his application, Petitioner did not present a Med-1 form to the Agency. See Initial Decision at 3; see also Exhibit P-6. However, Petitioner has now produced a Med-1 form dated August 13, 2015, indicating that he is unable to engage in a work activity for 12 months. See Exhibit P-3. Therefore, I hereby reject the ALJ's conclusion that Petitioner is now automatically eligible for WFNJ/GA benefits, and instead remand this case back to the Agency for review and redetermination of Petitioner's WFNJ/GA eligibility.

However, I find Petitioner ineligible for EA because he abandoned permanent affordable housing in another state and moved to New Jersey with the realistic capacity to plan for employment and substitute housing, but failed to do so. Specifically, Petitioner moved to New Jersey in November 2014, to assist a friend with the care of her mother, who had a stroke. See Initial Decision at 2. In August 2015, Petitioner was asked to leave the mother's residence. See Exhibit P-4. Petitioner's last employment was in Mississippi in October 2014, but because of lingering pain from a car accident, Petitioner testified that he has been unable to work. When Petitioner moved to New Jersey in November 2014, his physical condition prevented him from obtaining employment here. See Initial Decision at 3. Based on the foregoing, the ALJ concluded, and I concur, that Petitioner caused his own homelessness by moving to New Jersey with no promise of employment and no plan for alternate housing. See Initial Decision at 3. For these reasons, I find that the Agency's denial of EA to Petitioner, and the imposition of a six-month period of EA ineligibility, was proper and must stand.

Page 3

Accordingly, the Initial Decision in this matter is hereby REJECTED in part, ADOPTED in part, and REMANDED to the Agency for additional action as set forth above.

Signed Copy on File
at DFD, BARA

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Natasha Johnson
Director