State of New Jersey

ΓMENT OF HUMAN SERVICES
SION OF FAMILY DEVELOPMENT
CN 716

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 2300-17 S.S.

AGENCY DKT. NO. C126525 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits, as well as the denial of her application of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency denied Petitioner EA benefits, and imposed a six-month period of EA ineligibility, contending that she had the realistic capacity to plan for substitute housing, but failed to do so, and denied Petitioner SNAP benefits to avoid duplication of benefits because she had an open case in another state. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 21, 2017, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 23, 2017, the ALJ issued an Initial Decision, reversing the Agency's action regarding EA benefits, and affirming its determination concerning SNAP benefits. Here, Petitioner moved from New Jersey to another state in 2011, and returned to New Jersey in 2016 to flee an abusive relationship with her boyfriend. See Initial Decision at 2; see also Exhibit R-5. Upon arriving in New Jersey, Petitioner lived with her sister for a month in her subsidized apartment, but was forced to leave because additional adults are precluded from residing there pursuant to an open Division of Child Protection and Permanency ("DCP&P") case. See Initial Decision at 3; see also Exhibit R-5. Petitioner has mental health issues and has provided the Agency with a one-year MED-1 form documenting same. See Initial Decision at 3. The ALJ found that, due to Petitioner's documented mental impairment, and the fact that she returned to New Jersey to flee a domestic violence

("DV") situation, Petitioner lacked the realistic capacity to plan for alternate housing. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(1)(iii) and -6.1(c)(7). Therefore, the ALJ concluded that the denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty, were improper and should be reversed. See Initial Decision at 5; see also Exhibits R-1 and R-2A. I agree. Further, the ALJ found that the Agency's denial of SNAP benefits to Petitioner, in order to avoid a duplication of those benefits, was proper and should be affirmed. See Initial Decision at 5-6; see also Exhibits R-2 and R-8. I concur.

Exceptions to the Initial Decision were filed by the Agency on February 28, 2017.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record in this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I concur with the Initial Decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

By way of comment, I have reviewed the Exceptions submitted by the Agency, and I find that the arguments contained therein do not alter my decision in this matter.

By way of further comment, in view of Petitioner's testimony regarding DV, the Agency is directed to refer her for a Family Violence Option ("FVO") Initiative risk assessment in accordance with N.J.A.C. 10:90-20.1(c). In addition, based on the facts herein, the Agency should also refer Petitioner for a Behavioral Health Initiative ("BHI") evaluation pursuant to N.J.A.C. 10:90-6.1(c)(1)(iii) if it has not done so already. Should the BHI evaluation require Petitioner to engage in treatment, that requirement shall be incorporated into her Individual Responsibility Plan ("IRP") and her EA service plan. See N.J.A.C. 10:90-6.1(c)(1)(iii) and -6.6(a)(1)(iii).

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's action concerning EA benefits is hereby REVERSED, and the Agency's determination regarding SNAP benefits is hereby AFFIRMED.

Signed Copy on File
at DFD, BARA

MAR 0 3 2017

Natasha Johnson
Director