



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 14815-18 J.R.

AGENCY DKT. NO. C123147013 (MONMOUTH COUNTY DIV. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 19, 2018, the Honorable Dean J. Buono, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 22, 2018, the ALJ issue an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by Petitioner on October 23, 2018.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, on other grounds, as discussed below.

Only Work First New Jersey ("WFNJ") cash assistance recipients and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

The record reflects that a prior fair hearing was held on September 25, 2018, after which, on September 26, 2018, an Initial Decision was rendered, concluding that Petitioner had caused her own homelessness, and affirming the Agency's denial of EA benefits. See Initial Decision at 2, 4; see also Exhibit R-1 at 3-4, and N.J.A.C. 10:90-6.1(c)(3). That Initial Decision was adopted by DFD in a Final Agency Decision ("FAD") dated October 2, 2018, with no six-month EA ineligibility penalty being imposed. *Ibid.*; see also N.J.A.C. 10:90-6.3((i)(1)). Petitioner reapplied for EA benefits on October 4, 2018. See Initial Decision at 2; see also Exhibit R-1 at 8-14.

In the present matter, the ALJ found that Petitioner had again caused her own homelessness by failing to take any positive steps towards resolving her homelessness since the prior hearing on September 25, 2018, and thereby affirming the Agency's October 5, 2018, denial of EA benefits to Petitioner, and imposing a six-month period of ineligibility for EA benefits. See Initial Decision at 6-7; see also Exhibit R-1 at 15-17, and N.J.A.C. 10:90-6.1(c)(3).



Based on an independent review of the record, I find that Petitioner is no longer a WFNJ/Temporary Assistance for Needy Families ("TANF") benefits recipient, and that she is also not an SSI benefits recipient, and as such, on that basis, I find that she is ineligible for EA benefits. See Exhibit R-1 at 18; see also N.J.A.C. 10:90-6.2(a). The Initial Decision is modified to reflect this finding.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

By way of further comment, I have reviewed Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Also by way of comment, as the record indicates that Petitioner may have an open case with the Division of Child Protection and Permanency ("DCPP"), a copy of the Initial and Final Decisions shall be forwarded to DCPP. See Initial Decision at 3-4; see also Exhibit R-2.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's action is AFFIRMED, on other grounds, as discussed above.

Officially approved final version.

OCT 26 2018

Natasha Johnson
Director

