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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 06263-18 J.W.

AGENCY DKT. NO. C743684007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she moved to Essex County without a plan for housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 7, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 8, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Based on Petitioner's testimony, which was deemed credible, the ALJ found that Petitioner had been evicted from her residence in another county because she could not afford the rent, having just lost her job, and that she had been deemed ineligible to receive EA benefits in the form of temporary rental assistance in that county on the basis that she had only received WFNJ cash benefits for less than one year. See Initial Decision at 2, 4. Of note, receipt of WFNJ cash benefits for any particular length of time is not a criterion for EA benefits eligibility. See N.J.A.C. 10:90-6.2(a). The ALJ also found that Petitioner was then advised by the Agency to find shelter with a relative, which she did, moving in temporarily with her niece in Essex County ("Essex"). See Initial Decision at 2, 4. However, because Petitioner's niece lived in Section 8 housing, Petitioner was unable to continue to reside there, and consequently, had to vacate the apartment. Id. at 2-3; see also Exhibits P-1, R-3. Thereafter, Petitioner moved into a temporary shelter in Essex, which she had to vacate in April 2018, necessitating another temporary move back with her niece. See Initial Decision at 2-4; see also Exhibits R-4 through R-7. Further, the ALJ found that Petitioner is currently homeless, and that she had diligently searched for affordable housing and employment prior to applying for EA benefits in Essex, but was unable to secure either. Id. at 2-4; see also Exhibits P-2, P-3, and R-2. Moreover, the ALJ found Petitioner's relocation to Essex of no consequence, "as WFNJ is a State program and clearly, the choice of counties was based on [P]etitioner's needs, not preferences." See Initial Decision at 4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. Id. at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(a), (c). I agree.

No Exceptions to the Initial Decision were received.

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 concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that it is the Agency who shall determine the most appropriate form of EA benefits required to address her housing needs, which may include shelter/motel placement. See N.J.A.C. 10:90-6.3(a) (1).



By way of further comment, the transmittal in this matter indicates a contested issue regarding a sanctioning of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a sanctioning of WFNJ/TANF benefits, she may request another fair hearing on that issue alone.

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

Officially approved final version.

MAY 16 2018

Natasha Johnson

Director

