



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 10194-18 S.F.

AGENCY DKT. NO. C133473020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/ General Assistance ("WFNJ/GA"), and Emergency Assistance ("EA"), benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner WFNJ/GA benefits for failure to provide proof of address, and denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 20, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open until July 23, 2018, at the request of Petitioner to allow her to obtain documentation, and the record then closed.

Here, the record reflects that Petitioner's WFNJ/GA benefits issue was resolved prior to the commencement of the hearing, as Petitioner had agreed to participate in the Substance Abuse and Behavioral Health Initiative ("SAI/BHI") program, and the Agency had, therefore, agreed to rescind its denial of WFNJ/GA benefits to Petitioner. See Initial Decision at 2; see also Exhibit R-1. The denial of EA benefits to Petitioner remains the only matter at issue. See Initial Decision at 2.

On May 10, 2018, Petitioner applied for EA benefits. See Initial Decision at 2-3; see also Exhibit R-2. After being informed that Petitioner was administratively discharged from, and noncompliant with, a drug and alcohol residential treatment program based on her failure to take up residence at a halfway house as required, the Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, finding that Petitioner had caused her own homelessness. See Initial Decision at 3; see also Exhibit R- 3. However, Petitioner testified that she chose not to move to the halfway house because she was informed by the Department of Child Protection and Permanency ("DCP&P") that upon discharge from the treatment program, that she and her child could reside at her grandmother's house, rather than transition to the halfway house, as required by the treatment program. See Initial Decision at 3-4. The ALJ found that although Petitioner's reliance on the advice of DCP&P was perhaps erroneous, her testimony was credible and her decisions "well-intentioned," and as such, that she did not cause her own homelessness. See Initial Decision at 4-5, 6. Moreover, the ALJ found that the Agency's decision to enroll Petitioner in SAI/BHI was indicative that Petitioner lacked the functional capacity to avoid homelessness, and therefore, contrary to the Agency's finding that she caused her own homelessness. See Initial Decision at 6; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, the ALJ reversed the Agency's denial of EA benefits to Petitioner, as well as the six-month EA ineligibility penalty imposed upon her. See Initial Decision at 6-7; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c)(3). I agree.

No Exceptions to the Initial Decision were filed.



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, because the record reflects that Petitioner is the victim of domestic violence, the Agency is directed to refer Petitioner for a Family Violence Option ("FVO") risk assessment, if it has not already done so. See Initial Decision at 4; see also N.J.A.C. 10:90-20.1, -20.8.

By way of further comment, because Petitioner has an open case with the DCP&P, a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

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

AUG - 1 2010

Officially approved final version.

Natasha Johnson
Director

