



State of New Jersey

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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 04471-18 C.S.

AGENCY DKT. NO. C690786007 (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 had sufficient income to pay her rent, but failed to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 2, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On April 3, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on April 6, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

EA benefits, in the form of Temporary Rental Assistance ("TRA"), may be provided when the recipient is facing eviction, in order to maintain current permanent housing which had been previously affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable. N.J.A.C. 10:90-6.3(a)(6).

Here, the record reflects that while Petitioner was employed, she was able to pay her monthly rent of \$1,300. See Initial Decision at 3; see also Exhibits P-1, P-2. However, in January 2018, both Petitioner and her husband sustained injuries at work. See Initial Decision at 2-3; see also Exhibits P-4, P-6, P-8, and P-9. Petitioner then began receiving \$135 per week in temporary disability; however, her husband was not receiving any income at that time. See Initial Decision at 2-3; see also Exhibit P-5. Petitioner's household is also receiving \$500 per month in Supplemental Security Income benefits on behalf of their child. See Initial Decision at 2. As a result of Petitioner's temporary loss of employment, she was no longer able to pay her monthly rent. Id. at 3. Of note, it appears from the record that both Petitioner and her husband may currently be able to return to work. See Exhibits P-8, R-4.

Further, on March 2, 2018, the Agency initially approved Petitioner for EA benefits in the form of three months back rent, and in reliance on receipt of EA benefits, Petitioner entered into a Stipulation of Settlement with her landlord wherein she agreed to pay three months back rent by April 13, 2018, or be evicted. See Initial Decision at 3; see also Exhibits P-11, P-12, and R-1. Nevertheless, without proper notice, the Agency denied Petitioner EA benefits contending that she failed to save and use the substantial income she earned from September through December, 2017, after having previously received three months of EA benefits for August through October, 2017, and that she agreed that she would remain employed and pay her rent on time. See Initial Decision at 2-3, 4. Notably, I find that Petitioner's injury at work



was unforeseeable, and as such, her alleged promise to the Agency to remain employed was impossible to uphold, and furthermore, the Agency failed to provide any evidence of such a promise.

Based on the record presented, the ALJ found that Petitioner is imminently homeless, that she did not have sufficient income to pay her rent, that the Agency failed to provide any justification for its claim that Petitioner should have saved money while she was employed in order to get her family through her emergent situation, and that Petitioner entered into an agreement with her landlord to stop her eviction in reliance on the Agency's initial approval of EA benefits. Id. at 3-4. Moreover, the ALJ found that the Agency failed to properly notice Petitioner of its denial of EA benefits. See Initial Decision at 4; see also N.J.A.C. 10:90-9.1(a), (b). Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(5), (6). I agree.

By way of comment, I direct the Agency to provide Petitioner with EA benefits in the form of back rent for the months of February, March, and April, 2018, only. See Initial Decision at 2. Petitioner is advised that she may reapply for prospective EA benefits provided she continues to need EA benefits, with approval for said benefits contingent upon her being found eligible for same. See N.J.A.C. 10:90-6.1, et seq.

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

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

Officially approved final version.

APR 11 2018

Natasha Johnson

Director

