



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 02240-18 L.A.

AGENCY DKT. NO. C233094009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a security deposit and furniture voucher. The Agency denied Petitioner EA benefits contending that she currently resides in another county and that she must apply for EA benefits in that county. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 13, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 13, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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 REJECT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

Here, the record reflects that Petitioner resided in an apartment in Hudson County until November 30, 2017, pursuant to an agreement between Petitioner and her landlord wherein Petitioner gave notice of her intent to vacate the premises by that date. See Initial Decision at 2; see also Exhibit P-2. Thereafter, Petitioner was homeless from November 30, 2017, to February 1, 2018, at which time she moved into Section 8 housing in Essex County. See Initial Decision at 2. On September 28, 2017, prior to Petitioner vacating her previous apartment, and before she located her current apartment, she applied for EA benefits. Ibid. On November 20, 2017, the Agency denied Petitioner EA benefits in the form of a security deposit because, at that time, Petitioner was unable to provide the Agency with a landlord letter verifying the amount of any security deposit connected with a new apartment; and it denied her a furniture voucher because such voucher could not be granted until she obtained permanent housing. Id. at 2-3. Moreover, Petitioner obtained permanent housing on February 1, 2018, in Essex County, and as such, she was advised by the Agency that she must close her Work First New Jersey/General Assistance ("WFNJ/GA") benefits case in Hudson County, that it would transfer her WFNJ/GA benefits case to Essex County, and that she could then apply for EA benefits in that county. Id. at 3; see also N.J.A.C. 10:90-12.3.

However, the ALJ in this matter reversed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 5. The ALJ concluded that Petitioner is eligible for EA benefits in the form of a security deposit, and furniture voucher, finding that she made all reasonable attempts to timely comply with the Agency's request for the documentation required to determine her EA eligibility. Id. at 3, 5. I respectfully disagree with the ALJ's conclusion. Rather, based on the facts presented, I find that at the time Petitioner applied for a security deposit and furniture voucher, she was merely anticipating a move into another apartment, but had not yet secured an apartment. Id. at 2. Therefore, Petitioner could not have provided the Agency with the documents it required to determine EA eligibility for such benefits, nor could the Agency have assisted



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her in obtaining such documentation. Id. at 4. Additionally, the Agency could not have provided Petitioner with a furniture voucher when she had not yet located an apartment. Id. at 2. Moreover, when Petitioner did obtain housing, on February 1, 2018, it was in another county, at which time she was required to apply for EA benefits in that county. Ibid.; see also N.J.A.C. 10:90-2.11(b). Accordingly, I find that the Agency's denial of EA benefits to Petitioner was proper and must stand.

By way of comment, Petitioner is advised to go to the Agency in Hudson County to close her WFNJ case. Upon the closure of Petitioner's WFNJ case, the Agency is instructed to expedite the transfer of her WFNJ case to Essex County.

Accordingly, the Initial Decision is hereby REJECTED, and the Agency's action is AFFIRMED.

Officially approved final version.

FEB 28 2018

Natasha Johnson

Director

