



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 03213-19 K.G.

AGENCY DKT. NO. C156771009 (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, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed the six-month EA penalty, contending that she had caused her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 13, 2019, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On March 15, 2019, 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

Here, Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, applied for EA benefits on February 28, 2019, in the form of an unpaid portion of a security deposit and a furniture voucher. See Initial Decision at 2; see also Exhibit R-1 at 11-13, 38. Of note, Petitioner was forced to move to a new apartment because the landlord of her previous apartment was selling the home. See Initial Decision at 2; see also Exhibit P-1 at 2. Petitioner provided the Agency with Section 8 documentation concerning her new apartment, as well as a letter from her former landlord stating that he was retaining the original security deposit to fix damage to the apartment. See Initial Decision at 2-3; see also Exhibits P-1 at 1, R-1 at 8-10. On March 4, 2019, the Agency denied EA benefits, and imposed a six-month EA ineligibility penalty, stating that Petitioner had caused her own homelessness because the security deposit from her previous apartment was not being returned by the landlord due to damages made to the apartment during Petitioner's occupancy. See Initial Decision at 3; see also Exhibit R-1 at 1-3. However, the ALJ reversed the Agency's decision, as well as the six-month EA ineligibility penalty, finding that the landlord's decision to sell the residence constituted a new emergency, and that her imminent state of homelessness was due to circumstances beyond her control. See Initial Decision at 5-7; see also Exhibit R-1 at 1-3, and N.J.A.C. 10:90-6.1(c), -6.4(a), (b), (d). As such, the ALJ directed the Agency to pay the balance of Petitioner's security deposit at her new apartment. See Initial Decision at 7. I agree. However, I respectfully disagree with the ALJ's additional directive that the Agency provide Petitioner with a furniture voucher. The record in this matter reflects that Petitioner has already received the allowed maximum of three furniture vouchers from the Agency, and there exists no regulatory authority to grant her an additional voucher. See Initial Decision at 7; see also Exhibit R-1 at 23, 27, 29, and N.J.A.C. 10:90-6.3(a)(4)(i) (stating



that a maximum of three EA vouchers for furniture is permissible over the course of the 60-month lifetime limit of a WFNJ benefits recipient's case). The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version.

Natasha Johnson
Director

MAR 21 2019

