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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 04084-18 J.A.

AGENCY DKT. NO. C155864020 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's EA benefits contending that there was no longer an open Division of Child Protection and Permanency ("DCP&P") case, and that rental assistance could not continue because DCP&P's involvement had ended. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 13, 2018, the Honorable Ernest M. Bongiovanni, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On April 17, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner's family received 12 months of EA benefits from November 2016, through October 2017. See Initial Decision at 2; see also Exhibit R-7. On December 3, 2017, Petitioner was granted six additional months of EA benefits in the form of Temporary Rental Assistance ("TRA"), despite having been denied for having exhausted her 12-month lifetime limit of EA benefits. *Id.* at 2; see also Exhibits R-1 and R-2, and N.J.A.C. 10:90-6.4(a). The Agency testified that Petitioner's benefits were extended because DCP&P had advised the Agency, via letter dated December 4, 2017, that granting an extension of EA benefits would "ensure that the children have stable housing and would prevent that [sic] the children be placed at [sic] imminent risk of harm or danger." See Initial Decision at 2; see also Exhibit R-4. On February 27, 2018, DCP&P notified the Agency that it was concluding its intervention, effective December 28, 2017. See Initial Decision at 3; see also Exhibit R-5. Accordingly, the Agency terminated Petitioner's EA benefits, effective March 31, 2018, after only paying four of the six months of TRA, and after having learned that DCP&P had closed its case. See Initial Decision at 3; see also Exhibits R-5, R-6. In reversing the Agency's determination, the ALJ found that none of the facts and circumstances which prompted the need for EA benefits had changed, and that the family still had the same immediate housing needs at the time the EA benefits were terminated, as it did when the EA benefits were granted. See Initial Decision at 4. Moreover, the ALJ found that DCP&P's closing of Petitioner's case was only prompted by the Agency's approval of the six months of TRA, which met DCP&P's housing goals, obviating the need for DCP&P to have an open case. *Ibid.* The ALJ further determined that it was unreasonable for the Agency to terminate Petitioner's six months of EA benefits after only four months, as N.J.A.C. 10:90-6.4(b) supports the completion of six months of benefits rather than early termination. *Id.* at 5. Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's EA benefits was improper and must be reversed. *Ibid.*; see also Exhibit R-6. 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.

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

Officially approved final version.

Natasha Johnson
Director

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