



State of New Jersey

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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 14617-18 J.R.

AGENCY DKT. NO. C416182007 (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 for permanent affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 11, 2018, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 12, 2018, the ALJ issue 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, the record reflects that Petitioner has received 10 months of EA benefits. See Exhibit R-15 at 1-4. Petitioner currently resides at the YMCA, is presently three months behind in her monthly rent payments, and is facing eviction. *Id.* at 3; see also Exhibit R-3. The ALJ found, and the record substantiates, that Petitioner's household income is \$717 in monthly Supplemental Security Income ("SSI") benefits, and not \$2,559 per month as claimed by the Agency. See Initial Decision at 2; see also Exhibits R-2, R-6. Nevertheless, the Agency determined that Petitioner had sufficient income to pay for permanent alternative housing, and denied Petitioner EA benefits. See Exhibits R-1, R-5, R-19, and N.J.A.C. 10:90-6.1(a)(1). The ALJ found that Petitioner did not, and does not, have sufficient income to pay for permanent housing. See Initial Decision at 2, 4; see also Exhibits R-2, R-6. The ALJ also found Petitioner credible when she testified that her shelter payments went unpaid because she was not aware that she needed to immediately reapply for EA benefits, in accordance with a previous Withdrawal of Appeal, in order to continue to receive said benefits, but rather, she believed that she did not have to reapply for EA benefits until such time as her shelter voucher expired in October 2018. See Initial Decision at 3; see also Exhibit R-18. Based on the foregoing, the ALJ found Petitioner eligible for an extreme hardship extension of EA benefits in the form of past due rent for the months of August,



September, and October, 2018, as well as three months of prospective EA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90 6.4(a), (b). While I concur with the ALJ's order that the Agency is to provide Petitioner with three months of EA benefits in the form of past due shelter payments, I find that Petitioner is only eligible for prospective EA benefits provided that she continues to need said benefits, and remains otherwise eligible for same. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1 et seq. The Initial Decision is modified to reflect this finding.

By way comment, the Agency is directed to assist Petitioner in her search for permanent affordable housing.

By way of further comment, as it appears from the record that Petitioner is not receiving Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits on behalf of her children, Petitioner is advised that she should apply for WFNJ/TANF benefits on behalf of her children, and the Agency is directed to assist her with the application for same. See Exhibit R-15 at 1-4, 7; see also N.J.A.C. 10:90-2.2.

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

OCT 23 2018

Officially approved final version.

Natasha Johnson
Director

