



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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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

REMAND DECISION

OAL DKT. NO. HPW 9500-14 A.B.

AGENCY DKT. NO. C085598 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 1, 2014, the Honorable Margaret M. Monaco, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 4, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

The Agency submitted exceptions on August 5 and 6, 2014.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision, REVERSE the Agency determination and REMAND the matter to the Agency.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, and Medicaid benefits. The assistance unit consists of Petitioner and her four year-old son.

Petitioner received WFNJ/TANF and EA while living in Hudson County. In September 2013, Petitioner moved to Virginia but returned a month later to live with her brother, who also lives in Hudson County. In mid-January 2014, Petitioner's brother physically evicted Petitioner and her son without prior notice.

Herself faced with difficult circumstances, Petitioner's sister's foster mother allowed the assistance unit to temporarily live in her already crowded Middlesex County

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apartment. In April 2014, the Agency granted SNAP. In late May, the Agency denied Petitioner's application for EA because "you are not homeless or in an imminent state of homelessness due to circumstances beyond your control, for which you had no opportunity to plan." Although not stated in the denial notice, the Agency alleged at the OAL hearing in August that petitioner is "subject to a six-month penalty (until November 7, 2014)."

In early July 2014, Petitioner again became homeless and the Agency later referred her to the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS. DCP&P initially placed Petitioner in a hotel and later temporarily with Petitioner's sister while the Agency continued to review Petitioner's WFNJ/TANF application. In mid-July, the Agency granted WFNJ/TANF cash benefits retroactive to mid-June. DCP&P later provided a hotel placement through August 5. Petitioner is now homeless.

The findings Petitioner did not voluntarily move to Middlesex County and did not at any time cause her own homelessness are supported by sufficient, credible and uncontradicted evidence. In contrast, the Agency did not substantiate the basis of its adverse action, support its advice to Petitioner or explain whether it considered Petitioner for immediate need assistance or other services or referrals. Although raised at the OAL hearing and again in its exceptions, the Agency's claim Petitioner is subject to an allegedly disqualifying penalty was not a basis for its denial of EA and is not supported by sufficient credible evidence.

I remand this matter to the Agency to immediately determine Petitioner's eligibility for EA after communication and consultation with DCP&P to ensure coordination of appropriate DCP&P, Service and Individual Responsibility Plans. N.J.A.C. 10:90-6.1(c)(6). I direct the Agency to proactively assist Petitioner to obtain and submit any information or documents reasonably necessary for the appropriate determination of any new or updated EA application. I further direct the Agency to consider Petitioner's eligibility for EA under N.J.A.C. 10:90-6.4 and N.J.A.C. 10:90-6.9.

I will forward copies of the Initial Decision and this Final Agency Decision to DCP&P.

For the foregoing reasons, I ADOPT the Initial Decision, REVERSE the Agency determination and REMAND the matter to the Agency.

AUG 13 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director