



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 16630-14 A.C.

AGENCY DKT. NO. GA385505 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner challenges the Respondent Agency's correctness of her eligibility for Work First New Jersey/General Assistance ("WFNJ/GA") back benefits and the Agency's determination to place Petitioner in a boarding house. The Agency placed Petitioner in a boarding house because purportedly, as a WFNJ/GA recipient, Petitioner was not entitled to any other type of housing, especially on an emergent basis. As to Petitioner's WFNJ/GA benefits, the Agency maintained Petitioner was ineligible for WFNJ/GA because she was receiving Supplemental Security Income ("SSI") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2015, the Honorable Caridad F. Rigo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 6, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA is available where the assistance unit is in a "state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

The Agency shall determine the most appropriate form of EA which is "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1).

N.J.A.C. 10:90-6.6(a) outlines both recipient and Agency responsibilities in helping to resolve the emergency situation and to assist the recipient in securing suitable permanent housing. Recipients' responsibilities include acknowledgment by their signature that they will comply with, and carry out, a service plan. N.J.A.C. 10:90-6.6(a)(1)(i) further states, "The service plan shall include, as appropriate, but is not limited to: Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems." However, Temporary Rental Assistance ("TRA") is the preferred form of EA in all circumstances, as appropriate. N.J.A.C. 10:90-6.3(a)(6).

The record indicates that Petitioner did not receive GA benefits in October and November of 2014, because the Agency purportedly determined that she was receiving SSI benefits. See Initial Decision at 2, 4. However, the record further indicates that Petitioner was not receiving SSI, but she does have an SSI application pending. Id. at 3. Additionally, the record shows that Petitioner is now receiving GA benefits. Id. at 2. The record further indicates that the Agency's representative at the hearing had no knowledge or information regarding Petitioner's GA benefits. Id. at 3. Accordingly the ALJ found, and I agree, that the Agency's failure to provide Petitioner's GA benefits was improper and Petitioner is entitled to her October and November 2014, GA benefits, retroactively.

The other issue on appeal is the Agency's determination to place Petitioner in a boarding house. Pursuant to the regulations, the Agency shall determine the form of EA required to address the needs of the applicant, which may include a boarding house placement. See N.J.A.C. 10:90-6.3(a)(1). However, here, the record is clear that Petitioner suffers from mental health issues that preclude her from residing in a shared living space. It appears from the record that the Agency did not consider her particular circumstances when placing her in a boarding home setting. See Initial Decision at 3; see also N.J.A.C. 10:90-6.3(a)(1). Therefore, the ALJ concluded, and I agree, that EA benefits should be provided to Petitioner in the form of TRA. The record indicates that Petitioner has found a studio apartment which meets the requirements set out in N.J.A.C. 10:90-6.3(a)(7). See Initial Decision at 3.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

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

Signed Copy on File

at DFD, BARA

FEB 19 2015

Jeanette Page-Hawkins
Director