



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

REMAND DECISION

OAL DKT. NO. HPW 7024-15 J.B.

AGENCY DKT. NO. GA587726 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits and his application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner benefits based upon an alleged failure to provide the Agency with requested verification documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 21, 2015, the Honorable Richard McGill, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence. On May 22, 2015, the ALJ issued his Emergent Initial Decision remanding the matter to the Agency for a further determination.

No Exceptions to the Initial Decision were filed.

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 in part and REJECT in part the ALJ's Initial Decision and AFFIRM in part and REVERSE and REMAND in part the Agency's determination.

As a condition of eligibility for WFNJ/GA benefits, an applicant/recipient, shall, among other things, provide all necessary documentation. See N.J.A.C. 10:90-2.2(a)(5). Further, the purpose of EA is to meet the needs of public assistance recipients, including WFNJ/GA recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA benefits are limited to 12 months, plus limited extensions for "extreme hardship" where the

recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4; N.J.S.A. 44:10-51. Specifically, a WFNJ/GA recipient may qualify for an additional six months of EA when an "extreme hardship" exists. *ibid.* Thus, the maximum amount of EA a WFNJ/GA recipient may receive is 18 months. EA is not to be provided for a period of six months when an adult EA applicant has caused his or her own homelessness, without good cause, by abandoning permanent and affordable housing. N.J.A.C. 10:90-6.1 (c) 3 (vii).

Here, the ALJ noted that Petitioner was residing in South Carolina with his sister. See Initial Decision at 2. Petitioner, on or about August 2014, voluntarily left his rent-free permanent living arrangement to attend the Salvation Army Adult Rehabilitation Center in New Jersey, a free in-patient substance-abuse program. See Initial Decision at 2-3. Further, the ALJ identified two issues in the matter. The first being whether Petitioner is eligible for WFNJ/GA assistance and the second whether he is eligible for EA benefits. See Initial Decision at 2.

As to the first issue, the ALJ found that there was no indication that the Agency provided Petitioner with the list of verification documents he needed for it to determine his eligibility for WFNJ/GA benefits. *ibid.* Thus, the ALJ could not conclude that Petitioner failed to provide the information required by the Agency, and he ordered that the matter be remanded to the Agency so that it may request any additional information that it may need in order to determine Petitioner's eligibility. See Initial Decision at 3-4. I agree and hereby adopt the ALJ's decision as to this issue.

As to the second issue, the ALJ found that Petitioner voluntarily left his permanent and affordable housing at his sister's home in South Carolina. See Initial Decision at 2-3. The ALJ noted that Petitioner did not provide proof to the Agency that he completed the adult-drug rehabilitation program sponsored by the Salvation Army, opining that such proof would constitute good cause for Petitioner voluntarily leaving his affordable-permanent housing and further establishing that his EA application should not then be denied by the Agency on that basis. *ibid.* The ALJ ordered the matter be remanded to the Agency to give Petitioner the opportunity to provide the Agency with proof of completion. See Initial Decision at 4.

The matter is devoid of any evidence, other than the testimony of Petitioner, supporting the notion that he had good cause to voluntarily abandon his rent-free and permanent residence with a family member in South Carolina, where he was also receiving public assistance. See Initial Decision at 2-3. The ALJ mentions that "a sound medical/health-related reason to abandon affordable housing" may be a good-cause reason for Petitioner having abandoned his permanent and affordable

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housing in South Carolina. See Initial Decision at 3-4. Of course, there are circumstances when one would not seriously question medical necessity as good cause for voluntarily abandoning one's housing. However, in the instant matter, even if Petitioner provides evidence to the Agency that he successfully completed the drug rehabilitation program, Petitioner's circumstances do not provide a medical/health-related reason sufficient enough to provide good cause for Petitioner having caused his own homelessness.

The regulations require, in pertinent part, that an applicant for EA take all reasonable steps to prevent an emergency, such as homelessness, from occurring. See N.A.J.C. 10:90-6.4; see also N.J.S.A. 44:10-51. Given the record in the matter, it appears that Petitioner did not engage in any planning or take any reasonable steps to avoid becoming homeless before or after he relocated to New Jersey for drug treatment. Petitioner offers no reason why he could not have completed an adult in-patient drug rehabilitation program in South Carolina and continue to maintain his permanent and affordable housing there. Further, Petitioner offers no reason why he cannot return to his former housing in South Carolina. I therefore disagree with the ALJ's conclusion as to this issue. Thus, I hereby reverse the ALJ's decision as to this issue.

As I find that the Agency correctly determined that Petitioner is not eligible for EA benefits because he voluntarily and without good cause created his own homelessness, Petitioner will be precluded from receiving, even if subsequently determined by the Agency to be eligible for WFNJ/GA benefits, EA benefits for a period of six months. See N.J.A.C. 10:90-6.6(a).

Accordingly, the Initial Decision in this matter is ADOPTED in part and REJECTED in part and the Agency's action is hereby AFFIRMED in part and REVERSED and REMANDED in part for the sole purpose of determining whether Petitioner is qualified to receive WFNJ/GA benefits.

Signed Copy on File
at DFD, BARA

JUN 08 2015

Natasha Johnson
Director