



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel. (609) 588-2400

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 18401-15 J.C.

AGENCY DKT. NO. C254771 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she left prior housing without being formally evicted, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 30, 2015, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 2, 2015, the ALJ issued 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 MODIFY the ALJ's Initial Decision and REVERSE the Agency's determination.

Pursuant to N.J.A.C. 10:90-6.1(c)(7), "Emergency assistance is likewise available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and that the unit is in a state of homelessness due to imminent or demonstrated domestic violence [{"DV"}] which imperils the health and safety of the eligible unit."

The record indicates that Petitioner has been the victim of DV as evidenced by the Temporary Restraining Order ("TRO"), dated August 28, 2015, and her Affidavit, dated September 16, 2015. See Initial Decision at 4; see also Exhibits P-2 and P-4. Additionally, the TRO was continued by Order, dated September 15, 2015. See Exhibit P-3. Further, the record indicates that Petitioner left her prior apartment in August 2015, because she was behind on her rent, and she was in fear of DV by her estranged husband, who threatened to come to the apartment and take their children. See Initial Decision at 3. Petitioner then moved into a motel placement paid for by a Catholic organization, where she currently resides. *Ibid.* However, said organization stated in its letter, dated November 30, 2015, that it can no longer house Petitioner unless she gets financial assistance from the Agency. See Exhibits P-10. Of note, Petitioner has never received EA benefits. Moreover, Petitioner submitted to an Agency referred DV risk assessment, on September 2, 2015, which resulted in a finding of "moderate safety issues due to current DV or sexual assault," and recommended EA benefits. See Exhibit P-1.

Based on the foregoing, the ALJ found that Petitioner left her prior residence due to DV, that she did not cause her own homelessness, and that she is in imminent danger of homelessness, and, therefore, the Agency improperly denied Petitioner EA benefits. See Initial Decision at 10-11. I concur. Additionally, the ALJ concluded that the Agency is to determine the appropriate form of EA placement for Petitioner, but then ordered the Agency to provide Petitioner with retro-active payment of any reasonable housing costs incurred by her or on her behalf, from September 28, 2015, forward. *Id.* at 12. I agree with the ALJ that the Agency is to determine the appropriate form of EA benefits, however, I find that it shall also determine if payment of retro-active housing costs is the most appropriate form of EA benefits, in Petitioner's circumstances. See N.J.A.C. 10:90-6.3(a)(1). The Initial Decision is modified to reflect this finding.

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

Signed Copy on File

at DFD, BARA

DEC 24 2015

Natasha Johnson
Director