



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

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 12202-14 J.F.

AGENCY DKT. NO. S534261 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's termination of her Emergency Assistance ("EA") in the form of back rent and Temporary Rental Assistance ("TRA"), as well as her Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits as a result of an increase in Petitioner's child support payments which thereby rendered Petitioner ineligible to further receive benefits. As Petitioner had been terminated from WFNJ benefits, which are a precondition for receipt of EA benefits, Petitioner's EA benefits were also terminated by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On October 7, 2014, the Honorable Barry Moskowitz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On October 8, 2014, the ALJ issued an Initial Decision which reversed the Agency's action as to EA benefits. The ALJ determined that the chain of events precipitated by late EA payments made by the Agency, coupled with the Agency's failure to comply with the terms of a prior settlement between the parties, resulted in Petitioner agreeing to vacate her former apartment and forfeit her security deposit. See Initial Decision at 3-4. Accordingly, the ALJ ordered that the Agency provide Petitioner with security deposit and first month's rent at her new, more affordable apartment, as well as moving expenses. See *id.* at 5.

Neither party filed Exceptions to the Initial Decision.

Page 2

As the Director of the Division of Family Development, Department of Human Services, I have considered the Initial Decision and following an independent review of the record, I concur with the ALJ's decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter. Petitioner's moving expenses to be paid by the Agency shall be reasonable, which will be determined through submission of three estimates to the Agency. The Agency will then have the discretion to choose the estimate it deems reasonable.

By way of comment, I note that the ALJ's Initial Decision did not address the termination of Petitioner's WFNJ/TANF benefits. As such, I am remanding this matter back to the OAL solely to address the termination of Petitioner's WFNJ/TANF benefits.

Accordingly, the Initial Decision in this matter is ADOPTED and the Agency's action is REVERSED as to Petitioner's EA, as directed by the ALJ in this matter. As the transmitted issue of the termination of Petitioner's WFNJ/TANF benefits was not addressed by the ALJ, I am REMANDING this matter to the OAL solely to address same on an Emergent Basis.

OCT 22 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director