



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

FINAL DECISION

OAL DKT. NO. HPW 14138-14 J.L.

AGENCY DKT. NO. V486353 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's undated denial of Emergency Assistance ("EA") benefits. The Agency contends that Petitioner has exhausted all available EA extensions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On November 6, 2014, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 14, 2014, the ALJ issued an Initial Decision which reversed the Agency's denial of EA. The ALJ concluded that, despite Petitioner having received in excess of 100 months of EA benefits, Petitioner could be considered for EA benefits under the Housing Assistance Program ("HAP") pilot, N.J.A.C. 10:90-6.10. See Initial Decision at 2. The ALJ further noted that Petitioner had located an affordable apartment, and the Agency had agreed to pay the first month's rent and security, thereby allowing Petitioner to leave the shelter where he was residing and which was seeking to have him removed for non-payment. See *id.* at 3. The ALJ concluded that Petitioner was eligible to receive EA benefits under HAP, and should the apartment located by Petitioner no longer be available, Petitioner was to be extended EA benefits and be required to locate a similar affordable apartment. *Ibid.*

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record in this matter and the ALJ's Initial Decision.

Page 2

Following an independent review of the record, I hereby ADOPT the Initial Decision and REVERSE the Agency determination.

I take official notice of the fact that Petitioner had a prior OAL hearing and final decision earlier this year in a case docketed at OAL Docket Number HPW 6920-14. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). In the Final Decision in that matter, issued June 20, 2014, I directed the Agency to meet with Petitioner to review his EA history, as it was unclear if Petitioner had received any EA benefits under HAP. I take further notice that in correspondence from counsel to Petitioner dated July 15, 2014, pertaining to Exceptions in that matter, it is stated that Petitioner was placed in a shelter and the Agency "[had] given [Petitioner] up to six more months [of EA]."

It logically follows that the six month period is now coming to an end. Based upon what is contained in the record now before me, that the shelter wishes to remove Petitioner for non-payment, it would appear that the Agency terminated Petitioner's EA benefits extended in July, as referenced above, and Petitioner then applied for an extension of EA under HAP on October 24, 2014. See Initial Decision at 2. There is nothing in the record to indicate that the Agency gave proper notice to Petitioner of the termination. See N.J.A.C. 10:90-9.1.

The Agency has conceded that if the affordable apartment is still available it agrees to pay the security and first month's rent. I concur with the ALJ that, if the affordable apartment is no longer available, Petitioner will be extended further EA benefits under HAP and Petitioner will make diligent efforts to locate another affordable apartment.

The record indicates that Petitioner receives Supplemental Security Income ("SSI"). It is unclear from the record if Petitioner also receives Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. If Petitioner does not receive SNAP benefits, the Agency is to assist Petitioner with an application for this program.

For the foregoing reasons, I ADOPT the Initial Decision in this matter and REVERSE the Agency determination.

NOV 28 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director