



## State of New Jersey

### DEPARTMENT OF HUMAN SERVICES

Division of Family Development  
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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 8062-15 J.R.

AGENCY DKT. NO. C085997 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA application because it contended that Petitioner failed to provide necessary documentation and had a realistic capacity to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 9, 2015, the Honorable Barry E. Moscovitz, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On June 9, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

Exceptions to the Initial Decision were filed by the Agency on June 10, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the record and the Initial Decision and, following an independent review of the record, I MODIFY the ALJ's decision and REVERSE the Agency's determination.

The record reveals that Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), as well as Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. See Initial Decision at 2. In February of 2015, because of a domestic violence issue, Petitioner and her five-year old daughter were placed by the Agency into a safe house located in another county. See Initial Decision at 3. On March 24, 2015, Petitioner located transitional housing and provided all necessary documentation regarding same to the Agency with her application for EA/TRA. Ibid.

Because the Agency had not issued a decision on Petitioner's EA/TRA application by May 28, 2015, Petitioner sent a fax to the Agency on that date, requesting an approval or denial of her application. See Fax from Petitioner to the Middlesex County Board of Social Services ("MCBSS") dated May 28, 2015. On May 29, 2015, the Agency issued a written denial of Petitioner's EA/TRA application, stating that Petitioner had failed to provide required documentation; that she was not homeless due to circumstances beyond her control; and that she had a realistic capacity to plan to prevent homelessness. See Adverse Action Notice from MCBSS to Petitioner dated May 29, 2015.

In his Initial Decision, the ALJ noted that Petitioner is a victim of domestic violence, and she was to vacate the safe house in which she was staying by June 15, 2015. See Initial Decision at 3. Further, the ALJ noted that, while Petitioner's case with the Agency is open, Petitioner is unable to apply for EA in the county in which she currently resides. See Initial Decision at 4. Thus, the ALJ concluded, that because the Agency has not provided a sufficient legal basis for denying Petitioner's application, the Agency's action should be reversed. *Ibid.* Accordingly, the ALJ ordered the Agency to pay three months of back rent for Petitioner's transitional housing at \$883.00 per month. *Ibid.*

While I agree with the ALJ's determination that the Agency's denial was not appropriate, I hereby modify the Initial Decision with respect as to which county is to pay the back rent. I note that the record indicates that Petitioner closed her WFNJ/TANF case in Middlesex County in May 2015. See Middlesex County Payment History at 2; see also Exceptions. Petitioner then applied for, and received, WFNJ/TANF benefits in June 2015 in Gloucester County. See Gloucester County Payment History; see also Exceptions. Based upon these facts, I direct that Middlesex County shall pay for the portion of the back rent for Petitioner's transitional housing through the period during which Petitioner received WFNJ benefits in that county, or May 2015. I further direct that Gloucester County shall pay for the portion of back rent for Petitioner's transitional housing during which Petitioner was receiving WFNJ benefits in that county, or beginning in June 2015.

By way of comment, it appears from the fair hearing transmittal sheet that Petitioner may also have issues regarding the Agency's denial of WFNJ/TANF benefits, as well as the termination of SNAP benefits, because Petitioner is not located in the county. However, those issues were not addressed by the ALJ at the hearing. Therefore, if Petitioner still has issues concerning those benefits, Petitioner is without prejudice to request another fair hearing on those issues alone.

By way of further comment, a copy of the Initial and Final Decisions in this matter shall also be forwarded to Gloucester County so that they comply with my directive above.

Accordingly, the Initial Decision in this matter is hereby MODIFIED and the Agency's action is hereby REVERSED.

**JUL 16 2015**

*Signed Copy on File*  
at DFD, BARA

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Natasha Johnson  
Director