



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

FINAL DECISION

OAL DKT. NO. HPW 11534-15 M.M.

AGENCY DKT. NO. C097013 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Agency's termination of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"), and the imposition of a six-month EA ineligibility penalty, because she failed to comply with her service plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2015, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On August 10, 2015, the ALJ issued her Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

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 and, having made an independent evaluation of the record, I hereby MODIFY the Initial Decision and REVERSE the Agency determination.

EA is a supportive service designed to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA recipients are required to develop an EA service plan with the Agency. See N.J.A.C. 10:90-6.6(a). Failure to comply with the activities identified in the service plan, without good cause, shall result in termination of EA benefits and a six-month period of ineligibility. *Ibid.*

The record reflects that Petitioner, a single mother of a three-year old son with asthma, receives monthly Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits of \$322.00 and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits of \$296.00. See Initial Decision at 2. Until July 1, 2015, Petitioner also received EA/TRA towards payment of her \$950.00 per month rent. Ibid.; see also Exhibit R-1. In accordance with her EA service plan, Petitioner is obligated to pay, directly to her landlord, a \$97.00 monthly co-payment of her rent. Ibid.

At the fair hearing, Petitioner testified that she always made her rental co-payments to the building superintendent in cash. See Initial Decision at 3. However, in April 2015, Petitioner was notified that the building was changing ownership, and that she must mail her May 2015 co-payment to a new location. Ibid. To save the expense of obtaining a money order, Petitioner mailed \$97.00 in cash to the new address. Ibid. Evidently, the money went missing, because Petitioner was never provided with a receipt for that payment. Ibid.

In late May 2015, Petitioner met with an Agency case worker and explained the situation with her May co-payment. See Initial Decision at 3. The case worker advised Petitioner to go in person to the new landlord's address, repay her May co-payment, and obtain a receipt for same. Ibid. The Agency issued Petitioner a 30-day notice letter requesting that document. Ibid. Because Petitioner does not own a car and does not drive, it took until June 26, 2015, for her to get a ride to the new management office. Ibid. Petitioner had called the office ahead of time, and she was assured that the office would be open until 5:00 p.m. However, when Petitioner arrived at 1:30 p.m. that day, which was a Friday, the office was closed and a tenant advised her that the staff had left for the day. Ibid.

In her Initial Decision, the ALJ found Petitioner's testimony to be credible, and she believed that Petitioner undertook all the efforts detailed above. See Initial Decision at 3. Petitioner has now repaid the missing co-payment for May 2015, and she has also paid her June and July 2015 co-payments to the landlord. See Initial Decision at 4. Therefore, the ALJ opined that Petitioner has complied with her service plan. Ibid.

Based on the foregoing, the ALJ found that Petitioner should remain eligible for EA/TRA for the following reasons. First, Petitioner resides in an affordable apartment with a young child who has chronic asthma. See Initial Decision at 4. Second, New Jersey's public policy recognizes that it is more economical, and socially desirable, for people to retain affordable long-term housing, rather than to house them in hotel rooms or shelters. Ibid. Third, Petitioner has obtained part-time employment that could lead to longer working hours, which will enable Petitioner to achieve self-sufficiency. Ibid.

Based on the foregoing, the ALJ concluded, and I concur, that the Agency's action terminating Petitioner's EA/TRA was improper and should be reversed. See Initial Decision at 5. Therefore, I agree with the ALJ's order granting Petitioner EA for payment of retroactive rent for August 2015. Ibid. However, I hereby modify the ALJ's order that the Agency should pay EA/TRA in the form of prospective rent from September through December 2015. Ibid. At this time, it is unclear how many months of EA Petitioner has previously received, and whether she is eligible for additional months of EA. Therefore, Petitioner may be eligible for prospective EA benefits, so long as she remains otherwise eligible for EA, as shall be determined by the Agency.

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

Signed Copy on File
at DFD, BARA

AUG 21 2015

Natasha Johnson
Director