



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 3993-15 R.G.

AGENCY DKT. NO. C151190 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of a furniture voucher. The Agency denied Petitioner's EA application because she has exhausted her lifetime limit of three furniture vouchers. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 4, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. On May 8, 2015, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed Exceptions to the Initial Decision.

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 ADOPT and MODIFY the Initial Decision as to the reasoning behind the ALJ's conclusion, and AFFIRM the Agency's determination.

The record in this matter reveals that Petitioner recently applied to the Agency for a furniture voucher to obtain bed frames and a table and chairs. See Initial Decision at 2. The Agency denied Petitioner's request on March 3, 2015 because she has received the maximum amount of furniture vouchers permissible under the Work First New Jersey ("WFNJ") regulations, having previously received three furniture vouchers. See Exhibit R-2; see also N.J.A.C. 10:90-6.3(a)(4)(i).

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At the hearing, the ALJ also found that Petitioner has exhausted the lifetime furniture allowance since she received furniture vouchers on three separate occasions during the 60-month cumulative lifetime limit available to WFNJ recipients. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(4)(i). On that basis, Petitioner is forever barred from receiving additional furniture vouchers under WFNJ assistance. See N.J.A.C. 10:90-6.3(a)(4)(i)(payment for urgent and essential furniture shall not be made on more than three occasions during 60-month cumulative lifetime limit of WFNJ benefits).

Notwithstanding the foregoing, the ALJ concluded that the Agency correctly denied Petitioner's furniture voucher request because Petitioner was in the process of being evicted by her landlord for non-payment of rent totaling \$5,032.00. See Initial Decision at 6. In view of Petitioner's imminent eviction, the ALJ reasoned that "petitioner may not have an apartment [in which] to place furniture" and, therefore, the issue of Petitioner's need for a furniture voucher is not ripe. See Initial Decision at 6. The ALJ further concluded that Petitioner had not sufficiently proven her need for additional EA in the form of a furniture voucher for essential furniture. Ibid; see also N.J.A.C. 10:90-6.3(a)(4)(i).

While I agree with the ALJ's Order affirming the Agency determination, I disagree with the ALJ's reasoning behind her conclusion. The Agency properly denied Petitioner EA because she has exhausted her lifetime limit of three furniture vouchers under the WFNJ regulations. See N.J.A.C. 10:90-6.3(a)(4)(i). Accordingly, Petitioner has received the maximum amount of furniture vouchers permissible under our regulations, having previously received three furniture vouchers. Ibid.

Based upon the foregoing, the Initial Decision in this matter is hereby ADOPTED and MODIFIED to reflect the proper reason for the Agency determination, and the Agency's action is hereby AFFIRMED.

Signed Copy on File

at DFD, BARA

JUN 09 2015

Natasha Johnson
Director