



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 15743-14 S.C.

AGENCY DKT. NO. C335287 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals the Respondent Agency's denial of an extension of Emergency Assistance ("EA") benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On January 12, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, and took testimony. On the same day, the ALJ issued an Initial Decision which reversed the Agency determination.

Petitioner submitted exceptions on January 21, 2015.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision, and REVERSE the Agency determination.

I take official notice of the fact that Petitioner had a prior case in July 2014, OAL Docket number HPW 7712-14 (issued July 18, 2014), where the Agency made the same assertion that Petitioner had exhausted all available EA. See N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). In the Final Agency Decision, I found that Petitioner had not exhausted available EA under the Housing Hardship Extension ("HHE") because her last EA benefits preceded the effective date of the HHE pilot program. See OAL Docket number HPW 7712-14 (issued July 18, 2014). I further found Petitioner eligible for an extension of EA under the HHE pilot, as she was employable and in compliance with her work requirements as a WFNJ/TANF recipient. Ibid.

In the months after July 2014, Petitioner testified that she attempted to complete and submit the appropriate forms for Temporary Rental Assistance ("TRA") in order to secure an apartment. See Initial Decision at 2. However, her application was never processed and she, in turn, requested a Fair Hearing. *Ibid.* As I had already found in Petitioner's July 2014 case, discussed above, Petitioner was granted EA based on undisputed credible evidence that she qualified under the relevant regulatory provisions. *Id.* at 4. There have been no changes reflected in the record since the disposition of the prior Final Agency Decision in July of 2014, that would alter any facts set forth in this current matter. Therefore, I agree with the ALJ that the Agency improperly denied Petitioner's request for TRA.

By way of comment, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b).

Based upon the foregoing, the Initial Decision in this matter is hereby ADOPTED and the Agency determination is REVERSED.

FEB 25 2015

Signed Copy on File
at DFD, BARA

Natasha Johnson
Deputy Director