



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Director
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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 11168-15 S.F.

AGENCY DKT. NO. S530297 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits in the form of temporary rental assistance ("TRA"). The Agency terminated Petitioner's EA benefits because she was no longer a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, due to an Intentional Program Violation ("IPV"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 16, 2015, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 17, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner's assistance unit ("AU") consists of herself and her 11 year old child. See Initial Decision at 2. Additionally, the record shows that Petitioner's WFNJ/TANF benefits and EA benefits were terminated because of an IPV. Ibid. Petitioner's child continues to receive her pro rata share of WFNJ/TANF benefits. Ibid. Here, the ALJ found that any IPV penalty applies only to the individual who has committed the IPV, and is not applied against the entire AU. Ibid. Therefore, the ALJ found that Petitioner's AU is to continue to receive TRA, with 30% of the AU's total income to be contributed toward the rent. Id. at 3.

Exceptions to the Initial Decision were filed by the Agency on September 25, 2015.

As the Director of the Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law in this matter.

Additionally, I find that the Agency is to provide Petitioner's AU with its full TRA subsidy, not an amount based on any pro rata share.

By way of comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File
at DFD, BARA

NOV 26 2015

Natasha Johnson
Director