



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 19615-15 T.S.

AGENCY DKT. NO. C075350 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her application for an extension of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because it determined that she had exhausted her lifetime limit of EA, and did not meet the eligibility criteria for an extension under the EA extreme hardship provision. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 11, 2015, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On December 14, 2015, the ALJ issued an Initial Decision, reversing the Agency's determination. The record shows that Petitioner has received 17 months of EA benefits, and applied for further extension under the EA extreme hardship provision. See Initial Decision at 2. The record also shows that Petitioner was placed in transitional housing, but was notified to vacate the premises, as her 18-month housing program was about to expire. *Ibid.*; see also Exhibit P-1. Additionally, the record reflects that a representative from the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS, testified that Petitioner's child will be at risk of being placed in foster care, should Petitioner not receive any housing assistance. See Initial Decision at 3. The ALJ found that there is an imminent danger of the immediate breakup of Petitioner's family unit, with Petitioner's child needing to be placed in foster care. *Ibid.*; see also N.J.A.C. 10:90-6.4(b)(1)(ii). Accordingly, the ALJ concluded that the Agency improperly denied Petitioner EA benefits. See Initial Decision at 4.

Exceptions to the Initial Decision were filed by the Agency on December 17, 2015.

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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.

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.

By way of further comment, Petitioner is advised that the Agency shall determine the most appropriate form of housing, which may include shelter or transitional housing placement, to address Petitioner's needs and circumstance. See N.J.A.C. 10:90-6.3(a)(1).

By way of additional comment, a copy of the Initial and Final Decisions shall be forwarded to the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS.

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

DEC 28 2015*Signed Copy on File*

at DFD, BARA

Natasha Johnson
Director