



DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

Natasha Johnson
Director
Tel (609) 588-2400

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 7427-15 T.T.

AGENCY DKT. NO. C217102 (UNION COUNTY DIVISION OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application for EA/TRA because the Agency believed the case had been transferred to another county. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 29, 2015, the Honorable Jeffrey A. Gerson, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. On May 29, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

Neither party filed Exceptions to the Initial Decision.

Based upon the evidence presented at the hearing, the ALJ determined that Petitioner is eligible for EA/TRA benefits. See Initial Decision at 3. The ALJ noted that Petitioner has a one-year old daughter and that, as a result of a domestic violence threat to Petitioner, she and her daughter were previously placed by the Agency in housing located in Union County. See Initial Decision at 2. The Agency then paid Petitioner's rent of \$1,200.00 per month through March 2015, at which time the Agency believed the case was successfully transferred to Union County. Ibid. Although Union County acknowledged that the case was transferred there, an administrative error occurred and Union County failed to continue paying Petitioner's EA/TRA. Ibid. Upon further investigation, it was revealed that Union County did not pay Petitioner's EA/TRA because it determined that Petitioner's rent, plus utilities, exceeded the fair market value of housing at that location. Ibid.

Accordingly, Petitioner is now three months behind in her rent and is facing imminent homelessness. See Initial Decision at 2. However, the ALJ found that Petitioner's current address has been compromised because Petitioner's former domestic partner now knows where she lives, and there is a possibility that he has already enlisted the services of a third party to cause harm to Petitioner and her child. Ibid. Although the Union County Domestic Violence Unit has classified Petitioner as "high risk" for domestic violence, it is having difficulty finding shelter placement for Petitioner and her child. See Initial Decision at 3. Therefore, the ALJ concluded, and I agree, that Petitioner and her child are in need of immediate housing placement in a safe location. Ibid.

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

Petitioner is reminded that the Agency chooses the appropriate form of housing placement. See N.J.A.C. 10:90-6.3(a)(1).

Accordingly, the Initial Decision in this matter is hereby ADOPTED, the Agency's action is REVERSED, and this matter is REMANDED to the Agency for further action in accordance with the Initial and Final Decisions.

JUN 09 2015

Signed Copy on File

at DFD, BARA

Natasha Johnson
Director