



State of New Jersey

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 7305-15 V.W.

AGENCY DKT. NO. C133255 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA/TRA benefits because she had the reasonable capacity to plan to avoid her emergent situation and failed to do so and because she was uncooperative as she failed to provide required eligibility-verification documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 18, 2015, the Honorable Sandra Ann Robinson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents.

On June 30, 2015, the ALJ issued her Initial Decision, reversing the Agency's determination. Petitioner applied for EA benefits and was denied, in part, because her emergent situation was not due to circumstances beyond her control, and she had the capacity to plan for substitute housing. See Exhibit R-3 at 3; see also N.J.A.C. 10:90-6.1(c). The record reflects that after exhausting her Unemployment Insurance Benefits, Petitioner was evicted from her apartment and lived with various family and friends, until she underwent surgery, whereupon she moved into her daughter's apartment to recover. See Initial Decision at 6-7. Petitioner's daughter was subsequently transferred from New Jersey to another state by her employer. See *id.* at 6. As Petitioner was not on her daughter's lease, and her daughter could not afford to pay rent in both states, rental arrearages accrued and eviction proceedings were commenced by the landlord directly affecting Petitioner. See *id.* at 6-7.

The ALJ noted that Petitioner has a Supplemental Security Income appeal pending and that she exercised due diligence in her attempts to secure affordable, substitute housing that also accommodated her health needs, as well as the needs of her minor granddaughter of whom Petitioner has custody. *Ibid.* The ALJ concluded that there was no evidence to support the Agency's position that Petitioner did not cooperate with the EA/TRA application process because she allegedly failed to provide the Agency with eligibility-verification documents. See *id.* at 9. Furthermore, the ALJ concluded that Petitioner is in compliance with the WFNJ program requirements. *Ibid.* The ALJ thereby ordered that the Agency's determination to deny Petitioner's request for EA/TRA on the bases of her failure to plan and lack of cooperation in providing verification documents be reversed.

No Exceptions to the Initial Decision were filed.

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 the matter and hereby ADOPT the Findings of Fact and Conclusion of Law in the matter.

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

Signed Copy on File
at DFD, BARA

JUL 14 2015

Natasha Johnson
Director