



# State of New Jersey

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*Governor*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

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 **09599-24 I.J.**

AGENCY DKT. NO. **C085290003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that Petitioner caused her own homelessness without good cause, that her income exceeds shelter cost, that she failed to provide sufficient documentation to support the granting of EA benefits, and that her eviction from public and/or subsidized housing for non-payment of rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 18, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 19, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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 hereby MODIFY the Initial Decision, REVERSE the Agency's denial, and REMAND the matter back to the Agency for action, based on the discussion below.

Here, based on Petitioner's and Petitioner's advocate's credible testimony, and documents provided, the ALJ concluded that the Agency's denial of EA benefits, and the imposition of a six-month EA ineligibility penalty were improper, and as such, reversed the Agency's determination, and remanded the matter to the Agency for further action. See Initial Decision at 2-7; see also Exhibit R-C at 38-39. Specifically, the ALJ found, and the record reflects, that Petitioner had applied for EA benefits on June 14, 2024, at which time she was given a notice instructing her to provide the Agency with required documentation by July 15, 2024, yet the Agency denied Petitioner EA benefits by notice dated July 11, 2024, for among other things, failure to provide "sufficient documentation to support the granting of EA benefits." See Initial Decision at 2-4; see also Exhibits R-A at 4-6, 10, R-C at 38-39, and N.J.A.C. 10:90-2.2(a)(5). However, the ALJ found, that Petitioner, along with her advocate, had gone to the Agency on July 11, 2024, and July 15, 2024, to drop off the required documentation, but the Agency refused to accept such documentation, stating that it had already denied Petitioner's application for EA benefits on July 11, 2024. See Initial Decision at 2-4, 6-7; see Exhibit R-C at 38-39. Further, the ALJ found, and the record indicates, that Petitioner was not evicted for failure to pay her portion of the rent, and that she had provided sufficient documentation to the Agency, and at the time of the hearing, as proof of her rental payments, and proof of her finances. See Initial Decision at 3-4; see also Exhibits P-1, R-A at 7-24, R-B.

Based on the foregoing, the documentation provided to the Agency, and the documentation provided at the time of the hearing, the ALJ determined that the Agency's denial of EA benefits in its July 11, 2024, adverse action notice was premature, and that without first having given Petitioner the opportunity to produce her documents before, on, or



after, its denial, the bases relied upon for such denial were not credible. See Initial Decision at 7; see also Exhibit R-C at 38-39. Accordingly, the ALJ reversed the Agency's determination, remanded the matter to the Agency to reopen Petitioner's case, and ordered the Agency to reevaluate Petitioner's eligibility for EA benefits after a thorough review of her documentation. See Initial Decision at 7; see also Exhibit R-C at 38-39, and N.J.A.C. 10:90-6.1 et seq. I agree, and direct the following. Petitioner must provide the Agency with any additional documentation needed to determine her EA benefits eligibility within 15 days of the issuance of this Final Agency Decision. See N.J.A.C. 10:90-2.2(a)(5). The Agency is directed to reevaluate Petitioner's eligibility for EA benefits on an expedited basis, following submission of Petitioner's documentation, and to provide Petitioner with immediate need assistance, if appropriate, during said reevaluation period. See N.J.A.C. 10:90-1.3(a)(2). Following the Agency's reevaluation of Petitioner's EA application and the submitted documentation, if Petitioner is again denied EA benefits, the Agency is to issue a new adverse action notice and Petitioner is advised that she may request another fair hearing on that substantive denial. The Initial Decision is modified to reflect these findings.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, and the matter REMANDED, as outlined above.

Officially approved final version.

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Natasha Johnson  
Assistant Commissioner

