



State of New Jersey

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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 06568-18 A.P.

AGENCY DKT. NO. C086363012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits and imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA benefits ineligibility penalty, contending that Petitioner causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 11, 2018, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on May 11, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, applied for EA benefits on April 10, 2018, after a fire on April 5, 2018, rendered her apartment uninhabitable, resulting in her family's homelessness. See Initial Decision at 2-3; see also Exhibits A, F, G, H, I. A court summons for Petitioner's eviction, dated April 4, 2018, was presented for the record, as was a Notice to Quit, wherein the landlord blamed the cause of the fire on Petitioner. See Exhibits J, K. On May 3, 2018, the Agency denied EA benefits to Petitioner, and imposed a six-month EA benefits ineligibility penalty, asserting that Petitioner's behavior directly caused the eviction and therefore, she caused her own homelessness. See Initial Decision at 2; see also Exhibit L, and N.J.A.C. 10:90-6.1(c)(3)(vi). The ALJ, however, reviewed the Fire Investigation Report and the other evidence presented, and found that there was insufficient evidence in the record to support the Agency's contention that Petitioner caused the fire. See Initial Decision at 3; see also Exhibits F, G, H. As such, the ALJ concluded that the Agency's denial of EA benefits to Petitioner, as well as the six-month EA ineligibility penalty, was improper and must be reversed. See Initial Decision at 3-4; see also Exhibit L, and N.J.A.C. 10:90-6.1(c). I agree.

No Exceptions to the Initial Decision were received.

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



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

Officially approved final version. **MAY 17 2018**

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Natasha Johnson

Director

