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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 04399-18 J.Y.

AGENCY DKT. NO. C365665007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she had the available funds and the realistic capacity to plan to prevent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 28, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 29, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was unable to pay her December 2017, January 2018, and February, 2018, rent because she was unexpectedly laid off from her job, and unable to collect unemployment insurance benefits due to insufficient quarters worked; that she was not receiving Work First New Jersey/Temporary Assistance for Needy Families benefits due to a sanction; and that her available funds were spent on transportation and child care expenses resulting from the unexpected surgery of her spouse. See Initial Decision at 2-4; see also Exhibits R-1 at 4, 6, and R-5. Based on the foregoing, the ALJ found, by a preponderance of the credible evidence, that Petitioner did not have the funds, or the realistic capacity to plan, to prevent her imminent homelessness. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(1)(ii). Moreover, as correctly stated by the ALJ, regulatory authority clearly permits a WFNJ benefits recipient, who is in sanction status, to apply for, and receive EA benefits. See Initial Decision at 4-5; see also N.J.A.C. 10:90-6.1(c)(4). Therefore, the ALJ concluded that Petitioner is eligible for EA benefits and that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 6; see also Exhibit R-2; see also N.J.A.C. 10:90-6.1(c)(1)(ii), -6.3(a). 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 in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, I instruct the Agency to provide Petitioner with EA benefits in the form of back rent, as well as prospective EA benefits, provided Petitioner continues to need EA benefits, and remains, otherwise, eligible for same. See N.J.A.C. 10:90-6.1 et seq.



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

APR - 5 2018

Officially approved final version.

Natasha Johnson
Director

