



State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Director*

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 11428-18 L.W.

AGENCY DKT. NO. C446509007 (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 failed to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 9, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 10, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on May 23, 2018, Petitioner, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient, applied for EA benefits. See Initial Decision at 2; see also Exhibit R-5. On June 22, 2018, the Agency advised Petitioner that it needed, among other documentation, a copy of the Certificate of Habitability for an apartment that Petitioner had located, so that it could finalize her EA benefits application. See Initial Decision at 3; see also Exhibit R-3 at 2. Petitioner was further advised that the documents requested on June 22, 2018, were due to the Agency no later than June 27, 2018, and that failure to provide the documents would result in the denial of Petitioner's application for EA benefits. See Exhibit R-3 at 2. On July 9, 2018, the Agency notified Petitioner that her application for EA benefits was denied for failing to provide all requested documentation. See Initial Decision at 3; see also Exhibit R-4, and N.J.A.C. 10:90-2.2(a)(5). On or around July 20, 2018, Petitioner submitted the Certificate of Habitability to the Agency. See Initial Decision at 5. The ALJ found that Petitioner had complied with two previous Agency requests for documents, and that she substantially complied with the June 22, 2018, request for documents by submitting everything except the Certificate of Habitability. *Id.* at 4; see also Exhibits R-1, R-2, R-3, and P-1 through P-8. The ALJ further found that Petitioner's inability to timely submit the Certificate of Habitability was beyond her control. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that there was no basis to deny Petitioner EA benefits, and as such, reversed the Agency's denial of Petitioner's application for EA benefits. *Ibid.*; see also Exhibit R-4, and N.J.A.C. 10:90-2.2(a)(5), -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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.



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

Officially approved final version.

AUG 22 2018

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Natasha Johnson

Director

