



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 02882-18 L.W.

AGENCY DKT. NO. C193337007 (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 caused her own homeless and had exhausted all available benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 28, 2018, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 28, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner had applied for EA benefits on June 1, 2017, seeking housing and storage costs. See Initial Decision at 2; see also Exhibit R-1 at 19. Petitioner's application was denied that same day. Ibid. Petitioner filed an appeal to the Agency's adverse action notice on February 23, 2018, some eight months later. See Initial Decision at 2. The ALJ found that Petitioner's challenge to the Agency's action was untimely, having exceeded the 90 days in which to request a fair hearing. See Initial Decision at 3; see also N.J.A.C. 10:90-9.10(a). On this basis alone, the ALJ concluded that the Agency's action must be affirmed. See Initial Decision at 3; see also Exhibit R-1 and N.J.A.C. 10:90-9.10(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, Petitioner is without prejudice to reapply for EA benefits.

By way of further comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with her current needs, including Social Services for the Homeless.

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

Officially approved final version.

MAR - 8 2018

Natasha Johnson
Director

