



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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 14720-18 R.T.

AGENCY DKT. NO. C431562007 (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 pay her back rent, as well as her current rent, in accordance with a court order, and that she had sufficient income to do so. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 12, 2018, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 12, 2018, the ALJ issued an Initial Decision, affirming the Agency's determination.

Exceptions to the Initial Decision were filed by counsel on behalf of Petitioner on October 22, 2018.

As the Director of the Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

Here, the ALJ found that Petitioner had paid her full rental arrears in accordance with a Consent to Enter Judgment ("Order") entered into on February 16, 2018, in order to avoid eviction, but that she failed to pay her July, August, and September 2018, rent, when due, in accordance with that same Order. See Initial Decision at 2-3; see also "Consent to Enter Judgment," and "Resident Ledger." Petitioner's rent is now past due for the months of July, August, September, and October 2018. See Initial Decision at 2; see also "Elmar Urban Renewal" letter, dated September 20, 2018. The ALJ found that Petitioner had sufficient income from her monthly Unemployment Insurance Benefits ("UIB") of \$1,187, to pay \$400 per month toward her rental arrears, as well as her regular monthly rent of \$869, as ordered, and as such, affirmed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 3-4; see also "Notification Form" dated September 21, 2018, "DOVE Unemployment Payments" report, and "NJDOL-LOOPS." Of note, Petitioner's UIB ended September 13, 2018, and she has begun receiving Work First New Jersey/Temporary Assistance for Needy Families benefits as of October 2018. See Initial Decision at 3; see also "DOVE Unemployment Payments" report, and "NJDOL-LOOPS."



While I concur with the ALJ that Petitioner failed to abide by the Order to pay her monthly rent, when due, for several months covered by the Order, nevertheless, based on Petitioner's particular change in circumstances since the entry of that Order, I find that she is eligible for EA benefits in the form of past due rent for the months of July, August, September, and October 2018, and that she is eligible for prospective EA benefits, provided that she continues to need said benefits, and remains otherwise eligible for same. See Initial Decision at 2-3; see also "Memo of Law," "Elmar Urban Renewal" letter, dated September 20, 2018, and N.J.A.C. 10:90-6.3(a)(5). Specifically, taken into consideration were the following facts: that Petitioner is employable; that she has a history of employment; that she is recuperating from a difficult childbirth; that she resides in an apartment that is well below the Fair Market Rent for Essex County, and said apartment may very well again be affordable in the near future; and that she has never received EA benefits. See "Memo of Law," "Wage Record," and "Check History;" see also N.J.A.C. 10:90-6.3(a)(6), and DFD Instruction 18-09-04. I direct the Agency to expedite the payment of the back rent. The Initial Decision is modified to reflect the findings.

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

Officially approved final version.

OCT 24 2018

Natasha Johnson
Director

