



State of New Jersey

PHILIP D. MURPHY
Governor

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

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 07485-18 S.S.

AGENCY DKT. NO. C476016007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner EA benefits contending that she failed to plan to avoid her emergency situation by failing to make an effort to locate affordable housing. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 24, 2018, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on May 24, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record indicates that Petitioner has lived in her apartment since August 2016, with a monthly rent of \$850.50, plus utilities. See Initial Decision at 2; see also Exhibit P-4. Petitioner was able to pay her rent until her husband left her in 2017, she lost her job in May 2018, and her mother was no longer able to help her financially. See Initial Decision at 3; see also Exhibits P-2, P-3, and R-2. Consequently, Petitioner is currently three months behind in her rent and facing eviction. See Initial Decision at 2; see also Exhibits P-1, R-5. Petitioner acknowledged the need to improve her situation and testified that she is willing work. See Initial Decision at 3. It appears from the record that Petitioner is receiving \$40 per week in child support, as well as, Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. Id. at 2; see also Exhibit P-5. The ALJ found that Petitioner's financial support decreased drastically, and ended suddenly, and that she has no other sources of support available. See Initial Decision at 2-3. As such, the ALJ concluded that Petitioner is eligible for EA/TRA benefits, and ordered the Agency to provide said benefits in the form of three months back rent, as well as, prospective EA/TRA benefits. See Initial Decision at 3-4; see also N.J.A.C. 10:90-6.3(a)(5). 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 advised that she shall receive EA/TRA benefits provided she continues to need said benefits, and remains otherwise eligible for same. See N.J.A.C. 10:90-6.1 et. seq.

By way of further comment, the transmittal in this matter indicates a contested issue regarding a denial of WFNJ/TANF benefits, which was not addressed by the ALJ in the Initial Decision. Therefore, if Petitioner still has an issue concerning a denial of WFNJ/TANF benefits, she may request another fair hearing on that issue alone.



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

Officially approved final version.

Natasha Johnson
Director

JUN 01 2018

