



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 12697-19 R.J.

AGENCY DKT. NO. C273458009 (HUDSON COUNTY DEPT OF FAM SVCS)

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 documentation needed to determine her EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 18, 2019, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 19, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner EA benefits, contending that she had failed to provide a "Letter of Ejectment" required to determine her eligibility for EA benefits. See Initial Decision at 2; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a)(1)(ii). The ALJ found, and the record substantiates, that Petitioner had provided the Agency with all of the documentation requested in its August 13, 2019, "30-Day Notice" letter. See Initial Decision at 5; see also Exhibits P-1, P-2, P-3, R-2, R-3. Further, the ALJ found that Petitioner's grandmother's letter, together with the testimony of Petitioner and her grandmother, satisfied the Agency's request for an "ejectment letter," and established that Petitioner was homeless, or in a constant state of imminent homelessness, through no fault of her own, at the time of her application for EA benefits. See Initial Decision at 3-6; see also Exhibits P-1, R-1, and N.J.A.C. 10:90-6.1(c). Moreover, the ALJ found that the Agency's placement of Petitioner into immediate need housing at time of her EA benefits application was indicative of Petitioner's homelessness, and as such, nullified the Agency's request for an "ejectment letter" as proof of homelessness or imminent homelessness. See Initial Decision at 3, 6. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 6; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(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 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.

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



Officially approved final version.

Natasha Johnson
Director

SEP 25 2019

