



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 09141-19 S.K.

AGENCY DKT. NO. C067808003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she moved into a rental property without prior approval from the Agency and without a plan for paying the rent, and failed to provide documentation required to determine her eligibility for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 7, 2019, the Honorable Lisa James-Beavers, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents.

On August 15, 2019, the CALJ issued an Initial Decision, affirming the Agency's determination. Here, the matter before the CALJ is the Agency's denial of Petitioner's May 28, 2019, application for EA benefits. See Initial Decision at 2, 4; see also Exhibits R-1 at 1-3, R-2 at 7-10. The Agency denied Petitioner's EA benefits application contending that she moved into her current apartment without a plan for paying the rent and without prior approval of the Agency. See Initial Decision at 5; see also Exhibit R-2 at 7-10, and N.J.A.C. 10:90-6.1(c). The record reflects that Petitioner had known since March of 2018, that her prior housing was being foreclosed on, yet on January 15, 2019, Petitioner rented an apartment without a plan for how to pay the rent, other than by applying for EA benefits. See Initial Decision at 5-6; see also Exhibits R-1 at 1-3, R-3 at 11-13, R-5 at 23-25, R-7, R-8, R-13. Accordingly, the CALJ found that Petitioner had the capacity to plan to avoid her emergency, but failed to do so. See Initial Decision at 5-6; see also N.J.A.C. 10:90-6.1(c)(3)(1). Based on a preponderance of the evidence, the CALJ concluded that the Agency had shown that Petitioner had failed to take reasonable steps to resolve her emergent situation. See Initial Decision at 6; see also N.J.A.C. 10:90-6.6(a). The Agency also denied Petitioner's application for EA benefits, contending that she failed to provide the documentation required to determine her EA benefits eligibility. See Initial Decision at 5-6; see also Exhibit R-2 at 7-10. The CALJ found that the Agency had provided Petitioner with an SS-130 form requesting specific documentation from Petitioner needed to determine her eligibility for EA benefits. See Initial Decision at 4; see also Exhibit R-10 at 40. The CALJ also found that Petitioner had failed to provide any of the documentation requested on that form, and as such, concluded that the Agency did not have sufficient information to determine Petitioner's eligibility for EA benefits. See Initial Decision at 5-6; see also Exhibit R-10 at 40, and N.J.A.C. 10:90-6.1(c). Based on the foregoing, the CALJ concluded that the



Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 6-7; see also Exhibit R-2 at 7-10. 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 CALJ's Initial Decision, and following an independent review of the record, I concur with the CALJ'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 AFFIRMED.

Officially approved final version.

AUG 22 2019

Natasha Johnson

Director

