



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 **05566-24 A.J.**

AGENCY DKT. NO. **C786637007 (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 provide documentation to show that she was homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 1, 2024, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. No documents were entered into evidence. On May 2, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on May 7, 2024.

As Assistant Commissioner, Division of Family Development, 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 AFFIRM the Agency's determination, and REMAND the matter to the Agency for further action, based on the discussion below.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation. Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). Such documentation may be in the form of a letter from a landlord or other person, such as a family member or relative, serving in such a capacity. *Ibid.*

Here, an independent review of the record reflects that Petitioner came to the Agency to apply for benefits after an altercation with Petitioner's sister on April 15, 2024. See Initial Decision at 2. The transmittal in this matter reflects that an adverse action notice, dated April 17, 2024, was issued to Petitioner, denying her application for EA benefits on the basis that she had no proof of ejection/eviction. Based on the facts presented, that Petitioner did not, in fact, have such proof at the time of her application, I find that the Agency's April 17, 2024, adverse action was proper and must be affirmed.

However, the ALJ goes on to address facts that allegedly occurred following the issuance of the April 17, 2024, adverse action notice, and the ALJ further alludes to documentation that was not put into evidence. See Initial Decision at 2-3. I do note that the Agency representative provided substantiation that documentation had, in fact, been submitted to the ALJ's chambers in advance of the hearing and it is unclear why same was not marked into evidence as part of the record in this matter. Moreover, such documentation was in the case file returned from OAL, but as stated above, not marked into evidence and not a part of the case record, and therefore, is not to be considered in rendering this Final Agency Decision. Nonetheless, it is clear that there is no subsequent adverse action notice that indicates that the EA



department at the Agency had evaluated the alluded-to documentation, which apparently included a police report and an affidavit. As such, I am remanding this matter to the Agency for action as follows. The Agency shall expeditiously evaluate the documentation submitted by Petitioner, including the police report and affidavit, as well as Petitioner's current Work First New Jersey ("WFNJ") and EA eligibility. Following said review, if Petitioner is determined to be ineligible for EA benefits, an adverse action notice shall be issued with the applicable substantiating regulatory authority and Petitioner shall be without prejudice to request another fair hearing on that subsequent adverse action notice. The Initial Decision is hereby modified to reflect the above findings.

Accordingly, the Initial Decision is hereby MODIFIED, the April 17, 2024, determination by the Agency is AFFIRMED, and the case is REMANDED to the Agency for action, as outlined above.

Officially approved final version. May 08, 2024

Natasha Johnson
Assistant Commissioner

