



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
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 **08781-24 G.F.**

AGENCY DKT. NO. **C754588007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial Emergency Assistance ("EA") benefits pursuant to the Emergency Assistance for Special Groups ("EASG") program. The Agency denied Petitioner EA benefits, pursuant to EASG ("EA/EASG"), contending that she had the capacity to plan to avoid her emergent situation, that she failed to timely provide documentation required to determine her eligibility for said benefits, and that she owed more than three months back rent. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 24, 2024, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 25, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency. Here, The ALJ in this matter issued a very thorough and comprehensive Initial Decision, outlining the procedural history, providing a detailed factual timeline, and rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-10. Specifically, the ALJ found that it was unclear from the record whether or not Petitioner's WFNJ/TANF and EA benefits case was properly transferred from Hudson County to Essex County, or whether Petitioner was therefore, able to timely apply for EA/EASG benefits in Essex County. Id. at 2-4, 6-10; see also Exhibits P-2, R-1, R-3, R-4, and N.J.A.C. 10:90-6.8, -7.3, N.J.S.A. 44:10-51(a)(3), and Division of Family Development Instruction ("DFDI") No. 03-7-5. Regardless, the ALJ found that it was the miscommunication between the counties, regarding such transfer and application process, that precipitated Petitioner becoming six-months behind in her rent, that Petitioner had acted at all times under the instruction of one county or the other, and the fact that the two counties did not communicate with each other should not be held against her. See Initial Decision at 9-10. Accordingly, the ALJ concluded that Petitioner did not have the capacity to plan to avoid her emergent situation, as alleged by the Agency. Ibid.; see also Exhibit R-5. Additionally, the ALJ found that due to the unusual circumstances surrounding this matter, Petitioner failed to provide the documents required to determine her EA/EASG eligibility in a timely manner. See Initial Decision at 9-10. However, as of the date of the hearing, the ALJ found that Petitioner had provided the required documents, specifically, a valid WFNJ-5S DEP sole caretaker form, and proof of eviction. Id. at 4, 10; see also Exhibit P-1. Based on the foregoing, the ALJ reversed the Agency's denial of EA/EASG benefits, and remanded the matter to the Agency, instructing it to reevaluate Petitioner's eligibility for EA/EASG benefits, on an expedited basis. See Initial at 10; see also Exhibit R-2, and N.J.A.C.10:90-6.1 et seq., and N.J.S.A. 44:10-51(a)(3). I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, DFD, 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, if Petitioner is found eligible for EA/EASG benefits, I instruct the Agency to provide Petitioner with back rent sufficient to bring her current, and to provide prospective EA/EASG benefits, provided Petitioner continues to be eligible for said benefits. Also, the Agency is advised that the EASG program has no time limitations as to how many months of EA/EASG benefits may be provided to Petitioner, so long as Petitioner remains eligible for such benefits. See N.J.S.A. 44:10-51(a)(3).

By way of further comment, should Petitioner again be denied EA benefits, she may request another fair hearing on that subsequent denial.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. August 01, 2024

Natasha Johnson
Assistant Commissioner

