



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 10422-18 A.R.

AGENCY DKT. NO. C010952010 (HUNTERDON 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 failed to plan. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 26, 2018, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 27, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner's mental health issues, together with recent domestic violence, as substantiated by a 12-month MED-1 form, Final Restraining Order, and Police Incident Report, left Petitioner without a "realistic capacity to engage in advance planning" to avoid her impending homelessness or to secure appropriate substitute housing. See Initial Decision at 2-4, 6; see also Exhibits P-8, P-9, P-10, P-12, and N.J.A.C. 10:90-6.1(c)(1)(3). Based on the foregoing, the ALJ concluded that the Agency improperly denied Petitioner EA benefits based on a failure to plan, and reversed the Agency's determination. See Initial Decision at 6; see also Exhibit R-1. 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, the Agency shall provide Petitioner with back rent in an amount required to bring her current, as well as prospective EA 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, if it has not done so already, the Agency shall refer Petitioner for a Family Violence Option Initiative risk assessment, in accordance with N.J.A.C. 10:90-20.1, et seq.

Also by way of comment, as the record indicates that Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions shall be forwarded to DCP&P. See Initial Decision at 4.



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

Officially approved final version.

Natasha Johnson
Director

AUG - 2 2018

