



State of New Jersey

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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 01746-18 J.L.

AGENCY DKT. NO. C264822009 (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 proof of imminent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 5, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 6, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were filed by the Agency on February 7, 2018.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

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 occurred. N.J.A.C. 10:90-6.3(a)(1)(ii).

Here, the ALJ found Petitioner credible when she testified that she was living with a relative until the relative was evicted, as substantiated by eviction documents admitted into evidence. See Initial Decision at 2-3; see also Exhibits R-3, R-4. The ALJ also found Petitioner credible when she testified that she is currently residing in temporary housing. See Initial Decision at 3. Based on the record presented, the ALJ found that Petitioner is homeless due to circumstances beyond her control, and as such, that she is eligible for EA benefits. Id. at 5; see also Exhibits R-1, R-3, R-4, R-6. Therefore, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree.

By way of comment, Petitioner is advised that EA benefits shall be provided to her in a form to be determined by the Agency, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, I have reviewed the Agency's Exceptions, and I find that the arguments made therein do not alter my decision in this matter.



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

Officially approved final version.

FEB 12 2018

Natasha Johnson

Director

