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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 02787-18 L.A.

AGENCY DKT. NO. S565286009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she 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 February 27, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On February 28, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

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.

Here, the Agency directed Petitioner to provide documents showing the status of her application to obtain custody of her granddaughter, required to determine her eligibility for EA benefits. See Initial Decision at 2. This information was necessary to determine whether Petitioner's household included her granddaughter, however, at the time of the hearing no decision had been made regarding custody. Id. at 2-3. The ALJ found that, prior to the Agency's November 1, 2017, denial of Petitioner's application for EA benefits, Petitioner had provided the Agency with a letter from the Division of Child Protection and Permanency ("DCP&P") indicating the status of her custody request, and that she must, among other things, obtain stable housing before she could be awarded custody of her granddaughter. Id. at 3-4; see also Exhibit P-1. The ALJ also found that Petitioner is not homeless because she is currently residing with her uncle, who stated in a letter dated October 3, 2017, that Petitioner may continue to reside with him until she finds housing. See Initial Decision at 3; see also Exhibit P-2. After careful consideration of the evidence presented by the parties and Petitioner's testimony, the ALJ concluded that the Agency's denial of Petitioner's EA benefits application, and its imposition of a six-month EA ineligibility penalty, on the basis that Petitioner failed to provide requested documentation, was improper and must be reversed. See Initial Decision at 4-5; see also Exhibit R-1, and N.J.A.C. 10:90-1.6(a). I agree on this limited basis only.

However, it is important to note that the ALJ did not conclude that Petitioner is eligible for EA benefits, but rather that once Petitioner's custody issue is resolved, that Petitioner may reapply for EA benefits and must then list in that application the current household members to whom assistance would be provided by the Agency. See Initial Decision at 4-5. Moreover, the record reflects that Petitioner is not in imminent danger of homelessness, that she has not located alternate permanent housing, and that she had been awarded a lump sum disability payment on or about November 2, 2017, all of



which must first be taken into consideration by the Agency when determining Petitioner's eligibility for EA benefits. Id. at 2-3; see also N.J.A.C. 10:90-6.1(c)(2).

By way of comment, Petitioner is advised that she may reapply for EA benefits and that if found eligible, the Agency shall determine the appropriate form of EA benefits needed to address Petitioner's housing needs, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).

By way of further comment, as it appears from the record that the Petitioner may an open case with the DCP&P, a copy of the Initial and Final Decisions shall be forwarded to DCP&P.

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

Officially approved final version.

MAR 12 2018

Natasha Johnson

Director

