



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

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 08906-19 B.S.

AGENCY DKT. NO. C304022007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent, Essex County's denial of Emergency Assistance ("EA") benefits. Essex County denied Petitioner EA benefits because her EA benefits case in Hudson County had not yet been closed and transferred to Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 5, 2019, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on July 5, 2019, the ALJ issued an Initial Decision, reversing the Essex County Agency's determination. Here, the record reflects that Petitioner, Hudson County, and Essex County, all entered into a Settlement Agreement in connection with a prior fair hearing, wherein Hudson County agreed to provide Petitioner with EA benefits in the form of shelter placement through June 2019, to close her EA benefits case, and transfer benefits jurisdiction to Essex County by July 1, 2019, and for Essex County to then evaluate Petitioner for EA benefits eligibility and placement. See Initial Decision at 2; see also "Withdrawal of Appeal and Fair Hearing Request/Settlement" dated June 10, 2019. However, Hudson County failed to close Petitioner's EA benefits case, thereby failing to transfer jurisdiction to Essex County, and as such, Essex County had no option but to deny Petitioner EA benefits. See Outlook emails at 1-2; see also N.J.A.C. 10:90-7.3(g)(2). Based on the foregoing, the ALJ concluded that Hudson County remains responsible for providing EA benefits to Petitioner at her current shelter placement until such time as it closes her EA benefits case, her case is transferred to Essex County, and Essex County has evaluated Petitioner for EA benefits eligibility in Essex County, and a new housing placement has been found. See Initial Decision at 3; see also N.J.A.C. 10:90-7.3(g)(1). Accordingly, the ALJ reversed Essex County's denial of EA benefits to Petitioner. See Initial Decision at 4. 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, Hudson County is directed to expedite the closing and transfer of Petitioner's EA benefits case, if it has not already done so. A copy of this Final Agency Decision shall be sent to Hudson County.

By way of further comment, Petitioner is advised that if she is denied EA benefits by Essex County, she may request another fair hearing on that issue alone.

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

Officially approved final version.

JUL 18 2019

Natasha Johnson

Director

