



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 15600-18 E.A.

AGENCY DKT. NO. C127905003 (BURLINGTON 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 no emergency existed and that she had the available funds and capacity to prevent homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 29, 2018, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On December 14, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner was unable to pay her rent for the months of July and August 2018, when her Unemployment Insurance Benefits ("UIB") ceased, and that she had been evicted in August 2018. See Initial Decision at 2-3; see also Exhibit R-1 at 22-33. The ALJ found, and the Agency acknowledged, that Petitioner had paid her June 2018, rent. See Initial Decision at 2-3. The record also reflects that the Agency's representative, by her own admission, had incorrect information regarding the June rental arrears owed by Petitioner, said nonpayment of arrears being one of the reasons for the Agency's denial of EA benefits to Petitioner. *Id.* at 1, 4; see also N.J.A.C. 10:90-6.1(c). The ALJ also found Petitioner credible when she testified that she had other monthly expenses which contributed to her inability to pay her rent. See Initial Decision at 2-3. Further, the ALJ found that the Agency had failed to demonstrate that it had made any inquiry into Petitioner's other necessary and/or reasonable monthly expenses. *Id.* at 3. Based on the testimony and evidence presented, the ALJ concluded that Petitioner did not have the available funds, or the capacity, to prevent her homelessness; that her emergency existed at the time she applied for EA benefits; and that the Agency failed to prove, by a preponderance of the evidence, that Petitioner had caused her own homelessness or had the available funds to prevent her homelessness. *Id.* at 3-4; see also Exhibit R-1 at 14-16, 20, 23-33. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1 at 10-13, and N.J.A.C. 10:90-6.1(c)(1)(ii), -6.3(a)(6). I agree.

Exceptions to the Initial Decision were filed by the Agency on December 26, 2018.

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, 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.



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Officially approved final version.

Natasha Johnson
Director

JAN 10 2019

