



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

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 15269-19 K.K.

AGENCY DKT. NO. C082744015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that his emergency was not beyond his control. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 31, 2019, the Honorable Sarah G. Crowley, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 1, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency representative testified that Petitioner was denied EA benefits because, at the time he had applied for said benefits, he had stated that he had been staying with a friend but could no longer reside there, and that the Agency had not known why he could no longer reside with his friend. See Initial Decision at 2; see also Exhibits R-1, R-2, and N.J.A.C. 10:90-6.1(c). However, it appears from the record that the Agency made its determination without first requesting documentary proof of the reason(s) for Petitioner's homelessness, or without any follow-up. See Initial Decision at 2. The ALJ found that Petitioner was incarcerated between May 2019, and August 2019, and that he had been evicted from housing that he had shared with a friend in June 2019, while he was in prison. *Id.* at 2-3; see also Exhibit P-1. Prior to that eviction, Petitioner had been living with his girlfriend and her mother, but had to leave that residence because the landlord did not permit him to live there. See Initial Decision at 2-3. The ALJ also found that Petitioner was homeless at the time he applied for EA benefits, and that he is currently homeless. *Id.* at 3; see also Exhibit R-2. Based on the testimonial and documentary evidence provided, the ALJ concluded that Petitioner's homelessness was due to circumstances beyond his control. See Initial Decision at 4. Further, the ALJ concluded that Petitioner was otherwise eligible for EA benefits and in compliance with Work First New Jersey requirements, and as such, reversed the Agency's denial of EA benefits to Petitioner. *Ibid.*; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). 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, Petitioner is advised that the Agency shall determine the most appropriate form of EA benefits for Petitioner's circumstances, which may include shelter placement. N.J.A.C. 10:90-6.3(a) (1).

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

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