



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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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 01691-19 R.C.

AGENCY DKT. NO. **S429997015 (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 due to circumstances beyond his control, and that he had the capacity to plan to avoid his emergency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2019, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On March 25, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found that Petitioner is not homeless or imminently homeless, as no eviction proceedings had occurred at the time of his EA application or at the time of the fair hearing. See Initial Decision at 3-4, 6-7, 9-10; see also Exhibit R-5. Additionally, the ALJ found that Petitioner had sufficient resources available to avoid homelessness, and that he had not provided sufficient evidence to prove his claim that those funds were not available to him. See Initial Decision at 3-7, 9-10; see also Exhibits P-1, R-3. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 10; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(1). I agree. Moreover, the record reflects that Petitioner was denied Work First New Jersey/General Assistance ("WFNJ/GA") benefits because his available resources were over the maximum allowable for WFNJ/GA benefits eligibility, and on that basis, Petitioner is also ineligible for EA benefits. See Initial Decision at 3; see also Exhibit R-4, and N.J.A.C. 10:90-6.2(a) (limiting eligibility for EA benefits to WFNJ and Supplemental Security Income benefits recipients).

Exceptions to the Initial Decision were filed by Petitioner on April 5, 2019, and April 12, 2019, which included documents that were not introduced at the hearing before the ALJ.

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 Petitioner's Exceptions, and I find that the arguments made therein do not alter my decision in this matter. Petitioner is also advised that, pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.

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



Officially approved final version.

Natasha Johnson
Director

APR 24 2019

