



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT

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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 10569-19 S.B.

AGENCY DKT. NO. S411910010 (HUNTERDON 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 he failed to provide requested documentation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 6, 2019, the Honorable Elia A. Pelios, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was held open to allow Petitioner the opportunity to provide additional documentation. Petitioner provided such documentation on August 9, 2019, without objection by the Agency, and the record then closed.

On August 9, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency denied Petitioner EA benefits, contending that he failed to provide documents regarding his housing history and his employment history. See Initial Decision at 6; see also Exhibit J-1 at 3, 6-10, and N.J.A.C. 10:90-2.2(a)(5). The ALJ found that Petitioner had diligently tried to obtain the requested documentation, but through no fault of his own, was unable to do so. See Initial Decision at 3-4, 7-8. The ALJ also found Petitioner credible when he recounted the circumstances surrounding his loss of prior housing, his resultant homelessness, and his loss of employment. Id. at 5-6. Further, the ALJ found that the documents Petitioner submitted after the hearing, but before the record closed, substantiated his claims that he had not caused his own homelessness or his loss of employment. Id. at 8; see also Exhibits P-1 through P-4. Of note, Petitioner has provided the Agency with a valid MED-1 form indicating a 12-month disability. See Initial Decision at 2; see also Exhibit J-1 at 12. The record also reflects that the Agency remains willing to work with Petitioner to find a stable housing situation. See Initial Decision at 5. Moreover, the Agency representative at the hearing admitted that he did not have direct knowledge of Petitioner's case and was not fully aware of documentation and information contained in Petitioner's case file, including any steps that may have been taken by the Agency to verify Petitioner's employment situation. Id. at 2. Based on the Petitioner's credible testimony, the documents presented, and the fact that Petitioner was denied EA benefits solely on the basis of his failure to provide information, the ALJ concluded that Petitioner is eligible for EA benefits and that the Agency's denial of said benefits was improper and must be reversed. Id. at 8; see also Exhibit J-1 at 2-5, 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, the Agency is reminded of its responsibilities in representation and presentation of a matter at a plenary hearing before an ALJ, pursuant to N.J.A.C. 10:90-9.12(b) which states, "[t]he county or municipal agency representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action."

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

Officially approved final version.

AUG 15 2019

Natasha Johnson
Director

