



State of New Jersey

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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 16874-19 Z.R.

AGENCY DKT. NO. C676565007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's refusal to certify Petitioner's eligibility for Emergency Assistance ("EA") benefits for a 12 month period. On December 4, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 4, 2019, the ALJ issued an Initial Decision affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, and AFFIRM the Agency's determination, as discussed below.

Here, the record reflects that Petitioner has not been denied EA benefits in either the form of shelter placement, or Temporary Rental Assistance. See Initial Decision at 2. However, Petitioner is appealing the Agency's determination to provide her with a six-month certification of eligibility for EA benefits, rather than a 12-month certification. Ibid. Petitioner claimed that a 12-month EA benefits eligibility certification was required because landlords were refusing to rent to her with just a six-month certification. Ibid. The record also reflects that Petitioner voluntarily left her previous shelter placement, contending that her privacy rights had been violated. Ibid. The ALJ concluded that the Agency's six-month EA benefits certification was proper and must stand, and further concluded that due to the previous shelter staff's alleged violation of Petitioner's privacy rights, Petitioner should be provided with shelter placement at a different facility. Id. at 3. I agree. Further, although the record indicates that Petitioner had not been denied EA benefits, the ALJ reversed a supposed denial of EA benefits to Petitioner by the Agency. Id. at 3-4. However, I find that it is unclear from the record that the Agency had indeed denied Petitioner EA benefits, as no adverse action notice of such denial appears in the record. Id. at 2-4; see also N.J.A.C. 10:90-9.1(a), (b). Therefore, I have not addressed a denial of EA benefits in this Final Agency Decision, particularly because I have concurred with the ALJ's conclusion that Petitioner be provided with EA benefits in the form of shelter placement at a different facility. Id. at 3. The Initial Decision is modified to reflect this finding.



By way of comment, Petitioner is advised that, even though the Agency has certified her eligible for EA benefits for six months, she is only eligible for such EA benefits provided she continues to remain in compliance with the EA benefits eligibility requirements, as set forth at N.J.A.C. 10:90-6.1 et seq.

By way of further 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 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 MODIFIED, and the Agency's action is AFFIRMED, as outlined above.

Officially approved final version.

Natasha Johnson
Assistant Commissioner

DEC 11 2019

