



## State of New Jersey

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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 03580-20 L.S.

AGENCY DKT. NO. C089207011 (MERCER 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 she had no emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 17, 2020, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic hearing, took testimony, and admitted documents.

Also on March 17, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner applied for EA benefits so that she could move from her current residence, where she alleged that she had been the victim of domestic violence ("DV") perpetrated by her landlord. See Initial Decision at 2; see also Exhibit R-3. As required by applicable regulatory authority, the Agency referred Petitioner for a Family Violence ("FV") Risk Assessment. See Initial Decision at 3. The results of that assessment indicated that Petitioner was at risk for DV, and the record reflects that the Agency did not contest those results. *Id.* at 3-4. Nevertheless, the Agency denied Petitioner EA benefits, contending that she had no emergent situation as the DV was allegedly perpetrated against Petitioner by her landlord, not a family member, and as such, she did not meet the definition of DV for purposes of EA benefits eligibility. *Id.* at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). However, the ALJ found that, in accordance with the Prevention of Domestic Violence Act of 1991, DV can extend beyond family members and romantic relationships, and moreover, that relevant WFNJ regulatory authority is silent as to the required relationship between an abuser and victim needed to qualify as DV. See Initial Decision at 5; see also N.J.A.C. 10:90-6.1(c)(7), -20.1 et seq., N.J.S.A. 2C:25-19(d). Based on the testimony and record provided, the ALJ found that Petitioner sought to leave her current residence due to domestic violence, and that an emergent situation existed. See Initial Decision at 5. Accordingly, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 6; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(f). I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, 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.

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

MAR 20 2020

Officially approved final version.

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Natasha Johnson

Assistant Commissioner

