



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Elizabeth Connolly
Acting Commissioner

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 5466-15 A.T.

AGENCY DKT. NO. C645064 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's ("Agency") denial of Petitioner's request for Emergency Assistance ("EA") on the grounds that Petitioner was not Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") eligible. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 21, 2015, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony, and admitted documents.

No Exceptions to the Initial Decision were filed.

On April 21, 2015, the CALJ issued her Initial Decision, which found that there was no actual dispute to the facts. Accordingly, the CALJ reversed the Agency's denial of Petitioner's request for EA, since the CALJ determined that Petitioner established he was WFNJ/TANF-eligible and Petitioner was in a state of homelessness. Therefore, Petitioner should receive EA benefits. See Initial Decision at page 3.

As the Director of the Division of Family Development, Department of Human Services, I considered the Initial Decision in this matter, and following an independent evaluation of the record, I ADOPT the Initial Decision and REVERSE the Agency determination.

N.J.A.C. 10:90-6.1(c) states that EA is available when the assistance unit is "in a state of homelessness or imminent homelessness due to circumstances beyond their control, or the absence of a realistic capacity to plan."

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The uncontested facts establish Petitioner applied for EA benefits on April 7, 2015, and his application was denied because he was not a WFNJ recipient. However, the next day Petitioner's WFNJ case was opened and a WFNJ/TANF cash grant was released to Petitioner. See Exhibits R-3 and R-4. As such, there is no dispute regarding Petitioner's WFNJ/TANF eligibility. See Initial Decision page 2.

Instead, and as established through the CALJ's thorough analysis of Petitioner satisfying the EA requirements, Petitioner is eligible to receive EA, specifically and limited to, his requested security deposit and first month's rent. However, should Petitioner require any further EA beyond these benefits, Petitioner must apply through the Agency to ensure he satisfies any and all requirements for such subsidy.

Based upon the foregoing, I ADOPT the Initial Decision and REVERSE the Agency's determination.

Signed Copy on File

at DFD, BARA

MAY 12 2015

Natasha Johnson
Director