



## 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 **01911-24 M.S.**

AGENCY DKT. NO. **C288646009 (HUDSON COUNTY DEPT OF FAM 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 documentation required to determine his EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 14, 2024, the Honorable Evelyn J. Marose, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, and took testimony. No documents were admitted into evidence. On February 15, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination as premature.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, 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, REVERSE the Agency's determination, and REMAND the matter to the Agency, based on the discussion below.

Here, the ALJ found that the Agency had provided Petitioner with a "30 Day Letter" on December 15, 2023, advising him of the required documentation needed to be submitted to the Agency by January 15, 2024, in order for it to determine his EA benefits eligibility. However, the ALJ also found that the Agency had denied Petitioner's application for EA benefits on January 12, 2024, which was less than the 30 days required for the submission of such documents. See Initial Decision at 2; see also N.J.A.C. 10:90-1.5(a). Accordingly, the ALJ concluded that the Agency's denial of Petitioner's EA benefits application was premature, and as such, further concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 2-3; see also N.J.A.C. 10:90-9.1(a). I agree. Additionally, the ALJ noted that said reversal will not automatically qualify Petitioner for EA benefits, but that he must first meet the eligibility requirements for said benefits, and must provide all documentation required by the Agency to determine his eligibility. Id. at 3. Accordingly, I remand the matter to the Agency, for action as follows. Petitioner shall have 15 days from the date of issuance of this Final Agency Decision to provide the required documentation to the Agency, if he has not already done so. Upon receipt of that required documentation from Petitioner, the Agency is to reevaluate Petitioner for EA benefits eligibility. See N.J.A.C. 10:90-6.1 et seq. As a result of said reevaluation, if Petitioner is denied EA benefits, the Agency shall properly notice Petitioner of said denial, and Petitioner may request a fair hearing on that subsequent denial.

Further, I take official notice of the records of this office which reflect that Petitioner was a Work First New Jersey/ Temporary Assistance for Needy Families ("WFNJ/TANF") benefits recipient until November 30, 2023, not a WFNJ/ General Assistance ("GA") benefits recipient as stated in the Initial Decision. See Initial Decision at 1-2; see also N.J.A.C. 1:1-15.2(a) and N.J.R.E. 201(b)(4). The Initial Decision is modified to correct this inaccuracy.



Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency, as outlined above.

Officially approved final version. March 13, 2024

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Natasha Johnson  
Assistant Commissioner

