



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 **04814-24 N.C.**

AGENCY DKT. NO. **C272030020 (UNION COUNTY DIVISION 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 failed to provide requested documentation necessary to determine eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On April 17, 2024, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing and took testimony. No documents were entered into evidence.

Also on April 17, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits in person at the Agency on February 29, 2024. See Initial Decision at 2. While at the Agency, Petitioner met with an Agency representative, and was given a list of documentation which must be submitted to the Agency. Ibid. Thereafter, Petitioner submitted what documents she could to the Agency's drop box a day or two later. Ibid. Petitioner was then advised that the Agency had received no documentation, and she resubmitted the documents, this time handing them to a worker at a window. Ibid. The Agency representative testified that, as Petitioner had said that she had used all her resources, including those from a bank account, the Agency required proof that any bank account had been depleted. Ibid. When Petitioner did not provide proof of same, the Agency had denied Petitioner EA benefits. Id. at 3. Petitioner asserted, however, that she does not have a bank account, nor did she on February 29, 2024, and that she never stated that she had, but rather, that she had borrowed money from a friend to pay her last month's rent. Id. at 2-3. The ALJ in this matter, finding Petitioner's testimony credible, determined that she does not currently have a bank account, and if she had previously, any such account has since been fully depleted. Ibid. Therefore, as Petitioner is currently receiving Work First New Jersey/General Assistance ("WFNJ/GA") benefits, and Petitioner is currently homeless, the ALJ found that Petitioner is, in fact, eligible for EA benefits, and as such, reversed the Agency's determination in this matter. Id. at 3-4; see also N.J.A.C. 10:90-6.2(a) (stating that only WFNJ and Supplemental Security Income ("SSI") benefits recipients are eligible for EA benefits). I agree.

Exceptions to the Initial Decision were received from the Agency on April 23, 2024..

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.

By way of comment, I have reviewed Agency's Exceptions, and I find that the arguments therein do not alter my decision in this matter. Moreover, the Agency included documents with their Exceptions which were not introduced before the ALJ at the hearing. Pursuant to N.J.A.C. 1:1-18.4(c), I am not permitted to consider documents as evidence that were not submitted at the hearing for consideration by the ALJ.



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

Officially approved final version. April 23, 2024

Natasha Johnson
Assistant Commissioner

