



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NJ 08625-0716

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 07068-18 A.D.

AGENCY DKT. NO. C238418009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of a furniture voucher. The Agency denied Petitioner EA benefits contending that she has received already three vouchers for furniture and therefore, has reached the maximum allowed for this form of EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 22, 2018, the Honorable Mumtaz Bari-Brown, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On that same date, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, Petitioner testified that she and her four children lived in an apartment infested by cockroaches and mice. See Initial Decision at 3-4. Petitioner submitted medical documentation to the Agency, which advised the family to vacate the premises and move to a healthy environment. *Id.* at 4. Petitioner had located another apartment, but could not take her furniture because of the cockroaches and mice droppings, which were embedded in the furniture. *Ibid.* Accordingly, Petitioner sought replacement of the furniture she lost, including dressers, beds, living room furniture, lamps, dining set, cookware and silverware. *Ibid.* The Agency testified that Petitioner had previously received three furniture vouchers, which is the maximum allowed, and therefore, the Agency had denied her request. *Id.* at 3. The ALJ found that Petitioner is without basic furniture, which are items deemed urgent and essential to the physical health and well-being of the individual and family. *Id.* at 4; see also N.J.A.C. 10:90-6.3(a)(4)(ii). The ALJ further found that Petitioner's need for assistance to obtain minimum essential house furnishings for the health and safety of her family is urgent. *Ibid.* Therefore, the ALJ concluded that the Agency's denial of EA benefits was improper and must be reversed. Based upon the specific facts presented, I agree. Moreover, I note that there was no substantiating evidence in the record, such as a payment history, to illustrate how many furniture vouchers Petitioner actually received.

No Exceptions to the Initial Decision were received.

As the Director of the 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, 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, "The 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 ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version.

MAY 31 2010

Natasha Johnson
Director

