



State of New Jersey

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*Governor*

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DIVISION OF FAMILY DEVELOPMENT  
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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 12901-18 D.C.

AGENCY DKT. NO. C308604007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of back rent.

The Agency denied Petitioner EA benefits contending that she had available funds to pay her rent and the capacity to resolve her emergency, but failed to do so, thereby causing her own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On September 7, 2018, the Honorable Julio C. Morejon, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On September 7, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the Agency denied Petitioner EA benefits in the form of back rent contending that Petitioner had sufficient funds from employment and from a death benefit that her child received from Retirement, Survivors and Disability Insurance in the months of March, April, and May 2018, to pay her rent, but failed to do so, thereby causing her own homelessness. See Initial Decision at 2-3; see also Exhibit R-6, and N.J.A.C. 10:90-6.1(c)(3)(v). However, the ALJ found, and the Agency acknowledged, that the Agency had erroneously attributed Petitioner's household income for those months based on her past earned income, when Petitioner had actually been unemployed since March 20, 2018, and did not begin to collect unemployment until July 12, 2018. See Initial Decision at 3-4; see also Exhibits P-2, R-3, R-6. The record further reflects that Petitioner currently owes her landlord \$5,300, of which, according to Petitioner's testimony, \$2,800 has already been paid to the landlord by the Salvation Army. See Initial Decision at 3; see also Exhibits R-4A, R-4B. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was in error, and reversed the Agency's denial of EA benefits to Petitioner. See Initial Decision at 5; see also Exhibit R-5. I agree.

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 Conclusions of Law.

By way of comment, the Agency is directed to pay Petitioner's back rent upon confirmation of the amount of back rent paid by the Salvation Army. See Initial Decision at 3; see also Exhibit R-4B.

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



Officially approved final version.

Natasha Johnson  
Director

SEP 11 2018

