



State of New Jersey

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Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 11950-18 M.W.

AGENCY DKT. NO. C706402007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Petitioner's application for Emergency Assistance ("EA") benefits in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's application for EA/TRA benefits contending that her apartment was above fair market rent ("FMR") for Essex County. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing.

The initial plenary hearing in this matter was held on August 3, 2018, before the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"). On that same date, the ALJ issued an Initial Decision, reversing the Agency's determination, without any testimony being given, or any documentation being admitted into evidence. Exceptions to the Initial Decision were filed by the Agency on August 6, 2018. On August 17, 2018, the undersigned issued a Final Decision, rejecting the ALJ's Initial Decision and remanding the matter back to the OAL for a plenary hearing. In light of the fact that there was no testimony or admitted documentary evidence in the record, an appropriate review and decision in the matter could not occur.

The hearing on the remand convened again before the Honorable Gail M. Cookson, ALJ, on August 28, 2018. On August 29, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the complete record in this matter, including the first Initial Decision and the Initial Decision on Remand, and I hereby ADOPT the Initial Decision, and REVERSE the Agency's determination in this matter.

Based on the testimonial and documentary evidence admitted in the course of the remand of this matter, combined with the totality of the circumstances presented, I agree with the ALJ's conclusion in this matter. Most notably, Petitioner is only seeking assistance for two months of back rent, and is now employed. Additionally, one of Petitioner's adult children has recently returned to the household and is paying half of the rent. See Initial Decision at 3. As such, the family's rent will be affordable going forward, once the two months arrears are paid, and the household will again become self-sufficient.



Therefore, I direct that the Agency pay two months of back rent, totaling \$3200 (\$1600 per month). See N.J.A.C. 10:90-6.3(a)(7)(i)(1).

Accordingly, the ALJ's Initial Decision on Remand in this matter is hereby ADOPTED, and the Agency's determination in this matter is REVERSED.

Officially approved final version.

Natasha Johnson

Director

SEP 06 2018

