



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

NATASHA JOHNSON
Director
Tel: (609) 588-2000

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 00165-18 T.D.

AGENCY DKT. NO. C703189007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits contending that she had sufficient resources and the capacity to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The hearing date was adjourned on January 10, 2018, and also on January 18, 2018, to permit Petitioner time to provide the Agency with correct income information. On January 24, 2018, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 24, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner's monthly rent is \$800. See Initial Decision at 2; see also Exhibit P-2. At the time Petitioner applied for EA benefits she was behind in her rent for the months of November and December, 2017, and was facing eviction. Ibid. The Agency denied Petitioner EA benefits contending that Petitioner's monthly income is \$1,300, and as such, she had sufficient income to pay her rent, but failed to do so. See Initial Decision at 3; see also Exhibit R-1. Petitioner testified that she was unable to pay the rent because her male partner lost his employment in November 2017, and that her \$550 per month income was insufficient to pay the rent. See Initial Decision at 2. The ALJ found that Petitioner provided proof to the Agency that her monthly household income is \$550, and that the Agency failed to provide any evidence to demonstrate how it determined that Petitioner's monthly household income is \$1,300. See Initial Decision at 3-4; see also Exhibit P-1. Based on the foregoing, the ALJ concluded that the Agency erroneously attributed \$1,300 in monthly income to Petitioner, that Petitioner's monthly income of \$550 is insufficient to pay her rent and that, therefore, the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c). 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 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.

JAN 30 2018

Natasha Johnson
Director

