



State of New Jersey

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Governor

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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 01596-18 T.H.

AGENCY DKT. NO. C217230009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits for failing to provide requested documents to establish eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On February 1, 2018, the Honorable Susana E. Guerrero, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On February 2, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that Petitioner applied for EA benefits after being ejected from her relative's apartment. See Initial Decision at 2. On January 16, 2018, Petitioner was advised that her application for EA benefits could not be processed because additional documentation, detailing her proof of emergency, was required. See Initial Decision at 3; see also Exhibits R-1, R-3. Also on January 16, 2018, Petitioner submitted a letter notifying the Agency that she was unable to provide the requested documentation because her relative would not provide any of the documents requested. See Initial Decision at 3; see also Exhibit R-2. Petitioner testified that she was not listed on the lease, and that she had reached out to the relative to obtain the documents, but the relative had not returned her call. See Initial Decision at 3. Petitioner further testified that she had not otherwise communicated with her relative since being ejected from the apartment. Ibid. The ALJ found that Petitioner was ejected from the relative's apartment without any advance notice, and that she has been homeless since January 16, 2018. See Initial Decision at 5. Based on the foregoing, the ALJ concluded that Petitioner had made a good faith effort to obtain the requested documentation, and given the strained relationship between her and the relative, as well as the totality of the circumstances presented, it was unreasonable for the Agency to deny Petitioner's application for EA benefits. See Initial Decision at 5; see also Exhibit R-1. 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 ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination.

By way of comment, the Agency shall determine the appropriate form of EA placement, which may include shelter placement. See N.J.A.C. 10:90-6.3(a)(1).



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

Officially approved final version.

FEB 12 2018

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Natasha Johnson

Director

