



State of New Jersey

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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 05459-18 T.W.

AGENCY DKT. NO. C435475007 (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 the capacity to plan to avoid homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On May 2, 2018, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On May 3, 2018, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the ALJ found that Petitioner provided proof of eviction from prior housing, and that Petitioner agreed to vacate the property by agreement, prior to the actual eviction, because of an alleged assault that had occurred there. See Initial Decision at 3; see also Exhibits P-2, P-3, and P-4. Thereafter, on February 13, 2018, Petitioner moved in with a friend. See Exhibit R-3. However, in a letter dated April 1, 2018, Petitioner's friend stated that she is no longer able to shelter Petitioner, and that Petitioner must find other shelter before April 13, 2018. Ibid. Based on the foregoing, and the Agency's failure to provide any evidence to substantiate its claim that Petitioner had the capacity to plan to avoid her homeless, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3-4; 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.

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

Officially approved final version.

MAY 10 2018

Natasha Johnson
Director

