



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
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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 01226-19 D.G.

AGENCY DKT. NO. C102833016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that her apartment is unaffordable. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 28, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 29, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in pertinent part, that the individual must have an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan to avoid their emergent situation.

Here, the ALJ concluded that Petitioner was ineligible for EA benefits on the basis that she is not homeless or imminently homeless. See Initial Decision at 8. Specifically, the ALJ's conclusion was based on the fact that Petitioner's landlord is her mother; that Petitioner has resided in her apartment for over ten years, even though she claimed that she and her mother do not get along; and that Petitioner's landlord-mother never procured a Warrant of Removal from an eviction process that began with the filing of a complaint on September 6, 2018. See Initial Decision at 2-4; see also Exhibit R-4 at 2. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 5, 8; see also N.J.A.C. 10:90-6.1(c). I agree.

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

Officially approved final version.

FEB - 1 2019

Natasha Johnson
Director

