



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

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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 08703-19 D.W.

AGENCY DKT. NO. C497825007 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits in the form of past due storage fees. The Agency denied Petitioner EA benefits, contending that she had sufficient funds to pay her storage fees. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 1, 2019, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On July 1, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that on June 7, 2019, the Agency sent an email communication to the storage company, appearing to indicate that the storage fees payment would be forthcoming in ten days. See Exhibit P-2. The record also reflects that by notice dated June 10, 2019, the Agency tentatively approved Petitioner for EA benefits in the form of a one-time payment in the amount of \$233 for past due storage fees, and authorized payment to be made by check, directly to the storage company. See Exhibits P-1, R-1. Thereafter, by notice dated June 18, 2019, the Agency then denied Petitioner the \$233 past due storage fees amount, contending that she had sufficient income to pay those storage fees. See Exhibit R-2. The ALJ found that the aforementioned communications were confusing, and that both Petitioner and the storage company had relied upon the Agency's approval of EA benefits for the payment of the past due storage fees. See Initial Decision at 3. Specifically, the ALJ found that the storage company had relied on the Agency's authorization for payment of the past due storage amount and removed Petitioner's items from its auction list, and that Petitioner had used her monthly income on personal needs, wants, and debts on reliance that her storage fees would be paid. *Ibid.* Based on the foregoing, the ALJ concluded that Petitioner was eligible for EA benefits in the form of past due storage fees, reversed the Agency's denial, and ordered the Agency to make a one-time payment of \$233 directly to the storage company. *Id.* at 4; see also Exhibit R-2, and N.J.A.C. 10:90-6.3(a). Further, the ALJ ordered that going forward, Petitioner is responsible for the payment of her monthly storage fees. See Initial Decision at 4. 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, I reiterate for the benefit of Petitioner, that the Agency is providing her with a one-time payment of \$233 for past due storage fees, and that going forward she is fully and solely responsible for the payment of her monthly storage costs.

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

JUL - 3 2019

Officially approved final version.

Natasha Johnson
Director

