



State of New Jersey

PHILIP D. MURPHY
Governor

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

NATASHA JOHNSON
Assistant Commissioner

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 16140-19 N.S.

AGENCY DKT. NO. C606212007 (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 moved to New Jersey ("NJ") without a plan, that she failed to provide documentation, and that she had an employable male residing with her. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2019, the Honorable Kelly J. Kirk, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On November 19, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on Petitioner's credible testimony, as well as the totality of her circumstances, the ALJ found that Petitioner did not have the capacity to plan to avoid her homelessness. See Initial Decision at 2-5; see also Exhibit R-1. Therefore, the ALJ concluded that Petitioner should be eligible for EA benefits, and that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 5; see also Exhibit R-2, and N.J.A.C. 10:90-6.1(c). I agree. Further, the ALJ concluded that Petitioner should comply with all Work First New Jersey requirements, including providing the Agency with documentation of her housing applications, her boyfriend C.S.'s criminal record volunteer program, and the MED-1 form completed by her doctor. See Initial Decision at 5-6. I also agree.

Exceptions to the Initial Decision were filed by the Agency on November 22, 2019.

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, Petitioner is directed to provide the Agency with the documentation listed above, as well as proof of her and C.S.'s credit rating, within 15 days from the date of this Final Agency Decision. Petitioner is advised that failure to do so may result in Petitioner being found ineligible for EA benefits. Further, should Petitioner again be denied EA benefits, she may request another fair hearing on that issue alone.

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



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Officially approved final version.

Natasha Johnson
Assistant Commissioner

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