



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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Commissioner

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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 03788-19 S.P.

AGENCY DKT. NO. C231578009 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she failed to provide all requested documents, and alleging that the documents she did provide were falsified. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 20, 2019, the Honorable Ellen S. Bass, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. Also on March 20, 2019, the ALJ issued an Initial Decision, reversing 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 MODIFY the ALJ's Initial Decision, and REVERSE the Agency's determination, as discussed below.

Here, the record reflects that Petitioner was self-sufficient until January 2019, at which time her financial circumstances changed due to the father of her children leaving the household, resulting in her need to apply for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and EA benefits, neither of which she had previously received. See Initial Decision 2. Petitioner was granted WFNJ/TANF benefits, but the Agency denied her EA benefits, contending that the verification documents that she had provided were falsified. *Ibid.*; see also Exhibit R-1. However, the ALJ examined the documents and found that Petitioner was credible when she testified as to the truth of what was contained in the documents, and that she had prepared all the documents for signature. See Initial Decision 2-3; see Exhibits P-1, R-1 at 5-8. Moreover, the ALJ found that the Agency had failed to provide any evidence to substantiate its claim that the documents Petitioner provided were falsified. See Initial Decision at 3. Based on the testimony and evidence provided, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Ibid.*; see also Exhibit R-1 at 1-4, and N.J.A.C. 10:90-6.1(c). I agree. Further, the ALJ ordered the Agency to provide Petitioner with six months of EA benefits, including three months to pay for back rent on Petitioner's current apartment. See



Initial Decision at 4. I respectfully disagree. Rather, I direct the Agency to pay Petitioner's back rent in an amount necessary to bring her current, and to provide her with prospective EA benefits provided she continues to need said benefits and remains otherwise eligible for same. See N.J.A.C. 10:90-6.1, et seq. The Initial Decision is modified to reflect this finding.

Accordingly, the Initial Decision is hereby MODIFIED and the Agency's action is REVERSED, as discussed above.

Officially approved final version.

Natasha Johnson
Director

MAR 25 2019

