



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

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 17555-19 T.A.

AGENCY DKT. NO. C226324009 (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 was not imminently homeless and because she misrepresented relevant facts. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 20, 2019, the Honorable John P. Scollo, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. A previous fair hearing, on the same issues, had been scheduled for December 4, 2019, but was withdrawn on that date. See Exhibit R-2.

On December 20, 2019, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the Agency denied benefits to Petitioner, finding that she was ineligible for EA benefits on the basis that she was not homeless or imminently homeless, and that she had misrepresented facts concerning her living situation. See Initial Decision at 1-2; see also Exhibit R-1. The record reveals that Petitioner and her child lived with Petitioner's mother from November 15, through December 15, 2019, and paid money toward rent. See Initial Decision at 3; see also Exhibit R-3. After an argument, Petitioner moved to a shelter, but then returned to her mother's home. See Initial Decision at 3; see also Exhibit R-2. Petitioner informed the Agency that her mother was evicting her, which was her reason for applying for EA benefits. See Initial Decision at 2-4; see also Exhibit R-4. However, the ALJ found that the testimony and evidence presented demonstrated that Petitioner's mother was not evicting her, but rather, Petitioner had just wanted her own apartment. See Initial Decision at 3; see also Exhibit R-5. Based on the foregoing, the ALJ found that Petitioner was not imminently homeless, that she had attempted to mislead the Agency as to her housing situation, and as such, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was proper and must stand. See Initial Decision at 3, 4-5; 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 reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

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



Officially approved final version.

DEC 26 2010

Natasha Johnson
Assistant Commissioner

