



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

REMAND DECISION

OAL DKT. NO. HPW 14019-19 T.R.

AGENCY DKT. NO. C148458003 (BURLINGTON COUNTY BD. OF SOC. 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 documentation and because she had the capacity to plan to avoid her emergent situation. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 9, 2019, the Honorable Susan L. Olgiati, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On October 10, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination, and remanding the matter to the Agency to reevaluate Petitioner's eligibility for EA benefits. Here, the ALJ found, and the record substantiates, that the Agency failed to follow proper procedure in its denials of EA benefits to Petitioner. See Initial Decision at 6. Specifically, prior to Petitioner's May 9, 2019, application for EA benefits, the Agency, by notice dated May 3, 2019, denied EA benefits to Petitioner on the basis that there was no EA benefits eligible person in the household, and that Petitioner had the capacity to plan to avoid her emergent situation. See Initial Decision at 2-4; see also Exhibits P-1, P-2, and N.J.A.C. 10:90-6.1(c), -6.2(a). However, the ALJ found that Petitioner's daughter is a Supplemental Security Income ("SSI") benefits recipient, and as such, she alone may be eligible for EA benefits, and further, that Petitioner was not provided the opportunity to provide documentation to prove that she had lacked the capacity to plan. See Initial Decision at 6; see also Exhibit R-4, and N.J.A.C. 10:90-6.1(c) (1)(ii). Also, prior to Petitioner's application for EA benefits, by second notice dated May 3, 2019, the Agency denied Petitioner EA benefits on the basis that she failed to provide the Agency with requested documentation required to determine her EA benefits eligibility. See Initial Decision at 5; see also Exhibit R-1. However, the ALJ found that the Agency had requested said documentation by letter dated May 3, 2019, wherein Petitioner was instructed to provide the documents requested by May 14, 2019, and as such, the Agency's second May 3, 2019, denial was premature and improper. See Initial Decision at 6; see also Exhibits R-1, R-2. Of note, at the time of the hearing, the Agency acknowledged its procedural errors and offered to rescind the denials. See Initial Decision at 5. Nevertheless, Petitioner chose to proceed with this matter. *Ibid.* Based on the foregoing, the ALJ concluded that the Agency's denials of EA benefits to Petitioner were improper, and remanded the matter to the Agency to reevaluate



Petitioner's eligibility for EA benefits. Id. at 6; see also Exhibits P-1, R-1, and N.J.A.C. 10:90-6.1(c), -6.2(a). 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, Petitioner is advised that should she again be denied EA benefits, following the reevaluation on remand, she may request another fair hearing on that denial.

Accordingly, the Initial Decision is hereby ADOPTED, the Agency's determination is REVERSED, and the matter REMANDED to the Agency to reevaluate Petitioner's eligibility for EA benefits.

Officially approved final version.

OCT 18 2019

Natasha Johnson
Assistant Commissioner

