



State of New Jersey

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Governor

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DIVISION OF FAMILY DEVELOPMENT  
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Lt. Governor

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 03211-19 Z.R.

AGENCY DKT. NO. C170241009 (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 had the realistic capacity to prevent her homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 8, 2019, the Honorable Danielle Pasquale, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

Also on March 8, 2019, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that since 2017, Petitioner had been living, off and on, with her mother and with a friend. See Initial Decision at 2. However, in a letter dated January 9, 2018, which actually appears to have been written January 9, 2019, Petitioner's friend gave her one week to vacate her home due to a domestic violence incident, perpetrated against Petitioner by her ex-boyfriend while she was residing there. Id. at 2-3; see also Exhibits P-3, P-4, P-5. Thereafter, Petitioner resided with her mother in Section 8 housing, but was ordered to vacate the premises by March 1, 2019, because she was not on the lease. See Initial Decision at 2; see also Exhibits P-1, P-2. Petitioner and her three children, one of whom suffers with a disability, are currently homeless or imminently homeless. See Initial Decision at 3-4. Based on Petitioner's particular circumstances, as well as her credible testimony, and the fact that she has never received EA benefits, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3-4; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c), -6.3(a). Further, the ALJ ordered that Petitioner be provided with EA benefits in a form deemed appropriate by the Agency. See Initial Decision at 4; see also N.J.A.C. 10:90-6.3(a)(1). I agree.

Exceptions to the Initial Decision were filed by Legal Services, on behalf of Petitioner, on March 11, 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's counsel is reminded that evidence not presented at the hearing before the ALJ shall not be submitted as part of an Exception, or referred to in an Exception. See N.J.A.C. 1:1-18.4(c).

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



Officially approved final version.

MAR 15 2019'

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Natasha Johnson  
Director

