



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT

CAROLE JOHNSON
Commissioner

SHEILA Y. OLIVER
Lt. Governor

PO BOX 716
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 00271-20 I.J.

AGENCY DKT. NO. C692251007 (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 failed to provide timely documentation required to determine her EA benefits eligibility. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 10, 2020, the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents.

On January 10, 2020, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, the record reflects that the Agency requested certain documentation from Petitioner's landlord, required to determine Petitioner's eligibility for EA benefits in the form of back rent. See Initial Decision at 2; see also Exhibit R-1 at 1-4. On January 2, 2020, when Petitioner failed to provide the documentation within the 30-day application period, the Agency denied Petitioner EA benefits. See Initial Decision at 2; see also Exhibit R-1 at 5-8, 9-15, and N.J.A.C. 10:90-1.5(a), -1.6(a), -2.2(a)(5). The ALJ found, however, that Petitioner had to wait for her landlord to provide her with the required documentation, and as such, it was through no fault of her own that she was unable to timely provide the required documentation. See Initial Decision at 2. Further, the record reflects that Petitioner had provided such documentation to the Agency on January 8, 2020, as soon as she had received same from her landlord. *Ibid.*; see also Exhibit P-1 at 1-5. Based on the foregoing, the ALJ concluded that Petitioner had complied with the Agency's document request to the best of her ability and that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. See Initial Decision at 3; see also Exhibit R-1 at 5-8. Accordingly, the ALJ directed the Agency to process Petitioner's December 2, 2019, application for EA benefits and to determine her eligibility for EA benefits. See Initial Decision at 3; see also Exhibit R-1 at 9-15, and N.J.A.C. 10:90-1.6(f). 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, because Petitioner is facing imminent homelessness, the Agency is directed to process Petitioner's December 2, 2019, on an expedited basis, and to provide Petitioner with EA benefits in the form of back rent, as well as prospective EA benefits, should she be found eligible for same. Petitioner is advised that she may request another fair hearing if the Agency again denies her EA benefits.

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

Officially approved final version.

Natasha Johnson
Assistant Commissioner

JAN 16 2020

